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# OUR. AMERICAN GOVERNMENT

THE ANSWERS TO  
1001 QUESTIONS  
ON HOW IT WORKS

by  
WRIGHT PATMAN, M. C.

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# FOREWORD

What is democracy? How does it work in America? How effective is the Constitution in enabling us to come to grips with periodic crises? What are the principal objectives of our national institutions? What services do they render? What are the rights and obligations of American citizenship?

Since 1928, when the writer was first elected to the House of Representatives by the people of the First Congressional District of the state of Texas, tens of thousands of inquiries concerning our common national heritage have been received. Most of them have come from constituents seeking knowledge of the history, structure, and development of the Federal Government, its virtues and shortcomings, its flexibility and rigidity. That many of the questions were posed by young people of school age is a profoundly gratifying and reassuring fact; it augurs well for the future of America. So long as citizens of all ages display an avid interest in how they are governed and a determination to ensure that they will be governed properly, the prospect for maintaining and extending our traditional freedoms is bright, even in these troubled times.

This admirable curiosity concerning government appears to be more intensive today, if I may judge by my correspondence, than at any other period in the past two decades. Eighteen million war veterans who fought to preserve the American way of life had in mind something more substantial than the privilege of yelling, "Kill the umpire!" at a ball game. Those whom this legislator has met have talked and asked about housing bills, measures to encourage small business, national health legislation, and changes in labor laws. Tourists, young and old, who visit Washington, display a healthy curiosity concerning parliamentary techniques, the workings of Congressional committee machinery, and the merits of lobbying. The average American farmer is infinitely better informed concerning farm legislation, the justification for irrigation, reclamation, and soil conservation appropriations, and the efficiency of Federal bureaus than his ancestors were. He knows most of the answers; and those answers which he needs and does not know he can obtain. The State Department, for example, has established a Public Liaison Division for the express purpose of answering inquiries from any American who wants to know the whys and wherefores of foreign policy. Every department, bureau, commission, and independent office has information specialists assigned to handle questions from the public.

Originally, the author prepared 138 Questions and Answers in 1940 to be printed in the *Daily Congressional Record* and to be reprinted as a document under the title "OUR AMERICAN GOVERNMENT: What is it? How does it function?" Subsequently, the work was revised five times and by unanimous vote of the House of Representatives printed as a House Document, expanding with each reissue until, in its sixth edition, also approved by the House of Representatives, on February 13, 1946, it contained 284 Questions and Answers. The demand from readers was so great that more than a million copies of the booklet were sold.

In the present volume there appear 1,001 Questions and Answers bringing the entire story of Our American Government up to date, including even the latest information on the reorganization of our national defense, and numerous charts that will be helpful to the citizen and the student.

Grateful acknowledgment is made to associates in Congress and in the government who have given generously of their time to provide background information on phases of governmental activities on which they are authorities. I am particularly appreciative of the cooperation of Edward J. Michelson for editorial assistance.

This volume is designed to stimulate curiosity and lead to a more comprehensive study of our American Government.

Texarkana, Texas  
January 1, 1948

WRIGHT PATMAN



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# I. Democracy and Its American Sources

## 1. What is the purpose of the American Government?

The purpose is expressed in the preamble to the Constitution: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

## 2. What are the essentials of a republican form of government?

A republic is a government deriving all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during the pleasure of the people electing them, for a limited period or during good behavior.

## 3. What is a pure democracy?

A form of government in which the management of public affairs remains in the hands of the people themselves, so that they make the laws, levy taxes, decide questions of war and peace, and determine all other matters of public business of such a nature as to require personal and continuous attention.

## 4. What is a representative or indirect democracy?

In a representative democracy, the people govern themselves, but they do so by entrusting the entire administration of the state to their representatives, whom they choose by ballot.

## 5. How are both democratic and republican principles of government embodied in

## the government of the United States of America?

The national government is a form of representative democracy; a pure democracy in America is not practicable because of the geographical size and large population, and the fact that masses of citizens do not have sufficient leisure for continuous direct participation in the public business. The government is also a republic because the people elect their chief executive, the president, as well as their legislative representatives.

## 6. What is meant by the "separation of powers" in the Federal Government?

The Constitution contains provisions in separate articles for three great departments of government — legislative, executive, and judicial. There is a significant difference in the grants of power to these departments: The first article, treating of legislative power, vests in Congress "all legislative Powers herein granted"; the second article vests "the executive Power" in the President; and the third article states that "The judicial Power of the United States shall be vested in the Supreme Court and such inferior courts as Congress may establish." The theory of this separation of powers is that by keeping them independent of each other they are a check upon each other so that a tyrannous concentration of unchecked power is made impossible.

## 7. What was the Magna Charta and how did it affect our American Constitution?

Magna Charta (literally, "the great charter") is the name applied to the charter granted by King John of England in 1215, forced by the barons but behind them was a popular uprising against the king's tax policies and other violations

of traditional custom. The Magna Charta included provisions which later were interpreted as guaranteeing trial by jury and the right of habeas corpus, and it is in this later rather legendary sense that the Charter had its direct reflection in our Constitution and Bill of Rights.

**8. When and where was the first representative government created in America?**

The first representative government in America was established at Jamestown, Virginia, in 1607. Governing powers were vested in an elected council of thirteen members led by a president of their own choice.

**9. Who was the only American to have signed the Declaration of Independence, the Constitution, the American Treaty of Alliance with France, and the Anglo-American Treaty ending the Revolutionary War?**

Benjamin Franklin.

**10. Who were known as the "tongue, pen, and sword" of the Revolutionary War?**

Patrick Henry, Thomas Jefferson, and George Washington, respectively.

**11. How did the "disjointed snake" become the symbol of the original Thirteen Colonies of America?**

In 1754, when rumors of war with France persisted, Benjamin Franklin wrote an article in his *Pennsylvania Gazette* as advice to (then Major) George Washington. To give impact to his advice, Franklin printed a small, two-inch woodcut of a snake severed in eight parts and captioned "Join or Die." The *Boston Gazette* placed the words "Unite and Conquer" in the snake's mouth. The symbol came into use when the Stamp Act was enacted by the British in 1765, and continued to appear in publications throughout the War of Independence.

**12. Who was the "Father of the Revolution"?**

Samuel Adams. He planned the Boston Tea Party as a demonstration against tyranny and taxation without representation. Adams' speeches and writings commanded a large and faithful au-

dience. So important was Adams in inciting rebellion that the British, led by General Gage, attempted to capture him and John Hancock at Lexington on April 18, 1775, that they might be tried and hanged. All other rebels were offered amnesty.

**13. How many founding fathers signed both the Declaration of Independence and the Constitution?**

Six: Roger Sherman of Connecticut; George Read of Delaware; and Benjamin Franklin, Robert Morris, George Clymer, and James Wilson of Pennsylvania. The Declaration of Independence was signed July 4, 1776; the Constitution on September 17, 1787.

**14. What two signers of the Declaration of Independence became Presidents?**

John Adams and Thomas Jefferson.

**15. What brothers signed the Declaration of Independence?**

Richard Henry Lee and Francis Lightfoot Lee of the famous Virginia family were the only brothers to sign the document.

**16. Reference is repeatedly made to "inalienable" and "unalienable" rights. Which is correct?**

In Jefferson's original copy of the Declaration of Independence, "inalienable" appears. After the document, which is now in the Library of Congress, was adopted by Congress, it was altered, one of the changes being "unalienable" for "inalienable." Both terms continue to be used.

**17. Who concluded the final treaty of Independence with Great Britain?**

Benjamin Franklin, John Adams, and John Jay, in London in 1783.

**18. What was the Northwest Ordinance of 1787?**

This was the third and most notable of a series of Ordinances enacted by the Congress of the Confederation providing for the disposition of the so-called "western lands," that is, the lands northwest of the Ohio River to which several of the original states held claims. Disputes over

these lands delayed the formation of the Confederation itself; but the Ordinances finally developed are landmarks in American history. For example, the Ordinance of 1787 provided that "neither slavery nor involuntary servitude" should exist in the territory.

**19. Who among the signers of the Declaration of Independence were of foreign birth?**

Eight were born abroad: James Wilson and John Witherspoon, Scotland; Elbridge Gerry and Robert Morris, England; Francis Lewis, Wales; James Smith, Matthew Thornton and George Taylor, in Ireland.

**20. What proportion of the present population of the United States was born in a foreign country or of foreign-born parents?**

Almost one-fourth is of foreign origin or of foreign-born parents. In some areas of the nation the proportion is much higher. In New York City, for example, 65 per cent of the inhabitants are foreign born or are first generation Americans.

**21. Who was the first to write the "United States of America"?**

Robert Ingersoll names Thomas Paine as the first to write the words, "United States of America."

**22. How long did the Constitutional Convention sit?**

The Convention met in Philadelphia on May 25, 1787, and was in continuous session for 112 days, ending September 17. Washington presided. Delegates ranged in age from eighty-one years (Benjamin Franklin) to twenty-five (Gilman of New Hampshire). James Madison, "Father of the Constitution," spoke on 161 occasions during the Convention. Gouverneur Morris made 173 speeches.

**23. Did all accredited delegates to the Constitutional Convention sign the Constitution?**

No. Of the fifty-three accredited delegates, thirty-nine were signers. Elbridge Gerry, George Mason, and Edmund Randolph refused to

sign; eleven other delegates either declined to serve or were absent from the sessions.

**24. What period is recognized in American history as "The rising tide of democracy"?**

From 1789 to 1820, the first three decades of the nation's history, saw the United States make great progress in the development of democracy. Most of the states abolished property qualifications for voting. A new party arose of a class of people who stood for equality as opposed to privilege. The farmers of the West and South united with the laborers of the East to elect Jackson president and make him a symbol of rugged freedom.

**25. Where does the title, "The United States of America," first appear officially?**

In the Articles of Confederation. Article I reads: "The Stile of this Confederacy shall be 'The United States of America.'"

**26. What is "representative population"?**

When the United States Government was established, slavery was a recognized institution. At the same time, the Indian populations were still largely in a primitive state. Accordingly, the Constitution provided that representation in Congress should take these nonfranchised races into account. Instead of disregarding the slaves entirely, which would have resulted in less Congressional representation for the Southern states, a compromise was reached: The framers of the Constitution decided to base representation on the number of free persons in every state (excluding Indians who were not taxed) plus three-fifths the number of all other persons — i.e. slaves. This rule lost most of its effectiveness with the adoption of the Eleventh Amendment, which abolished slavery, and with the gradual assumption of citizenship obligations by the Indians.

**27. What were the Articles of Confederation?**

The first plan for a government of the United States was embodied in the Articles of Confederation, written shortly after the signing of the Declaration of Independence.

**28. What sort of a national government existed under the Articles of Confederation?**

Each state had two or more delegates to a central assembly, The Continental Congress. Assent of nine states was required to pass important laws.

**29. How was the nation governed when the Congress was not in session?**

A committee of thirteen persons, one from every state, governed the nation when Congress was not in session.

**30. How did the Continental Congress apportion governmental costs and govern taxation and commerce under the Articles of Confederation?**

All states shared in the cost of government, the amount being apportioned by population. The Articles of Confederation permitted every state to retain its control over taxation and commerce. Every state was free and independent. Hence the Congress had no power governing taxation and commerce.

**31. Did the Articles of Confederation provide for an executive head of the country?**

No provision was made for a chief executive. Nor were there national courts. Congress had the power to assess but not to collect taxes. Consequently, the Federal treasury was hard-pressed for funds.

**32. How large a national debt was incurred under the Articles of Confederation?**

Ten million dollars.

**33. What power governed interstate relations?**

No power existed for this purpose. Numerous quarrels prevailed between the states. When the Articles were found to be inefficient, a convention was called, but Rhode Island refused to participate.

**34. What was the chief difficulty in writing the Constitution?**

Delegates to the Constitutional Convention knew the many shortcomings of the Articles of Confederation, notably the lack of a central

authority governing interstate relations. The states, having fought and won a war against tyranny, were jealous of their freedom and sovereignty. They feared that a strong central government might be as restrictive as the British monarchy had been. They therefore insisted on states' rights. The delegates to the Constitutional Convention had a struggle to maintain harmony and persuade the Convention to found a strong central government. At the time, citizens in Massachusetts were rebelling against their state government. It was feared the strife would spread to other states.

**35. What lessons were learned from the Articles of Confederation?**

The colonies agreed that the central government needed power to tax and regulate trade between states and to enforce the Constitution, the laws of Congress and international agreements and treaties. The colonies also realized that the Articles of Confederation did not protect a state from invasion, from attack by Indians, or interference on the high seas.

**36. What positive values did the Articles of Confederation have?**

They were the first written plan for the government of the United States. The Articles embodied the personal and political rights gained by the English people in the Magna Charta in 1215. They included the features of the Mayflower Compact, which was the first written plan for community administration in America. They were guided by the experience of the Jamestown community, in Virginia, which was the first representative government in the New World.

**37. Did colonists in French and Spanish America have the right to govern themselves?**

Residents of French and Spanish settlements in America had no share in their government. Although there were more than 150,000 persons of European extraction in the Spanish settlements by the end of the Sixteenth century, they and even their landlords had no right to participate in government. French colonies had no legislatures. Ordinances were issued by royal governors with headquarters in Quebec.

**38. Why was the Mayflower Compact written?**

The Pilgrims left England to settle on certain lands held by the Virginia Company. Their charter from the Virginia Company provided that they should be governed by officers of their own choosing. They landed north of the Virginia settlements and, being no longer bound by the Virginia charter, they made, November 11, 1620, the agreement known as the Mayflower Compact.

**39. What did the Mayflower Compact provide?**

The document, which is brief, says: "We do solemnly and mutually covenant and combine ourselves together into a civil body politic . . . and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience."

**40. How did the colonists in the Plymouth community initiate self-government?**

Townships elected representatives to a legislature at Plymouth. The laws of the colony were made at Plymouth, but, in addition, each township had its own local body for "home rule." The local body was the forerunner of the New England town meeting. The people convened at regular intervals to administer their own public affairs.

**41. What progress did the Massachusetts Bay Colony make toward representative government?**

This colony was in the hands of stockholders who had settled there. As the population increased, stockholders were forced to extend the franchise to more and more persons. By 1634, they had representative government.

**42. When did the Connecticut Colony achieve its greatest stride toward representative government?**

By 1640, the colony had universal male suffrage.

**43. What powers were vested in citizens of the Maryland and Pennsylvania Colonies?**

In Maryland, all land was owned by Lord Baltimore, who rented tracts to landholders. The landholders met to assist in the making of laws. When disputes developed between the tenants and Lord Baltimore, the right to make laws was given to the landholders. Lord Baltimore retained the right to collect rents and appoint governors.

In Pennsylvania, William Penn, founder of the colony, promised all Christians the right to share in legislating. He gave up virtually all his own powers to the colonists in 1701, with the issuance of the Pennsylvania Charter and this document remained the Constitution of Pennsylvania until 1776.

**44. What powers were given Congress by the Articles of Confederation?**

The powers include authority over the post office, the coinage of money, the right to borrow funds, and the power to declare war. Congress was responsible for foreign affairs and, to a certain extent, for the regulation of interstate commerce. Actually the states controlled commerce and the power of taxation. "Each State retains its sovereignty, freedom and independence," the Articles declared.

**45. What were the two greatest shortcomings of the Articles of Confederation?**

There was no national executive to enforce the laws. And there was no provision for a Federal court system. Every state enforced the laws it wished to enforce. Laws of one state might conflict with another, and offenders against the national government had to be tried in local or state courts which might have little interest in the legislation the national government had to enforce.

**46. What influence did the Continental Congress have over foreign policy under the Articles of Confederation?**

Although the Continental Congress could negotiate treaties, it could not force the states to adhere to them. As a result, foreign nations refused to make treaties with the United States.

**47. What was the experience of the Continental Congress in dealing with interstate relations?**

There were serious boundary and trade



The unanimous Declaration of the thirteen united States of America.

[illegible][illegible]

## The Declaration of Independence

quarrels which the Congress could not settle. Every state considered itself supreme in such matters.

**48. What conditions were most responsible for public feeling that the Articles of Confederation were a failure?**

The nation could neither raise money nor pay debts. Although Congress assessed the states \$10,000,000 for the two years, 1782 and 1783, the Treasury received only \$1,500,000. The nation had large foreign obligations, having borrowed heavily for the prosecution of the war. Interest on these loans accumulated. At the same time there were Federal expenses such as the operation of the government and the payment of soldiers. Times were hard. People resented taxation, and their national government's financial situation was precarious.

**49. What was the one most constructive result of the Articles of Confederation?**

In providing a definite beginning for national unity, the Articles definitely promoted the public's sense of common citizenship. A man migrating from one state to another retained his citizenship rights. The national government was responsible for the common defense, as well as for the declaration of war and for the raising of money, and the men of the thirteen states sensed they were working together toward a stronger form of government.

**50. What prompted the calling of the Constitutional Convention?**

At a meeting at Washington's home at Mount Vernon, commissioners from Maryland and Virginia discussed problems of interstate navigation. As they conferred, they thought it might be well to discuss all trade relations between states and nations. Accordingly, an invitation was sent to all the states to send delegates to a convention in Annapolis in September, 1786. Only five states responded. The Annapolis meeting decided to send out a call for a convention at Philadelphia in May, 1787, and then adjourned.

**51. What was the response to the call for a Constitutional Convention?**

Until February, 1787, only six states had planned to send representatives. The Continental Congress thereupon issued a call for a meeting to be held in Philadelphia in May of the same year, "for the sole and express purpose of revising the Articles of Confederation."

**52. What sort of men served as state delegates to the Constitutional Convention?**

They were men with considerable experience in public and business affairs. Some were governors, lawyers and judges. Others were merchants and landowners. New York sent its leading attorney, Alexander Hamilton. Pennsylvania sent Benjamin Franklin. Virginia was represented by James Madison and George Washington, and Washington was elected president of the Convention. Independence Hall was the meeting place, the Declaration of Independence having been signed there in 1776.

**53. What compromises made possible the drafting of the Constitution in acceptable form?**

The states varied in size; a compromise was therefore needed to provide for equitable representation. The delegates agreed on proportional representation in the House of Representatives and equal representation in the Senate. It was also agreed that revenue bills should originate in the House, rather than the Senate, because representation in the House was based entirely on population, and the larger states would thus have protection. Another important compromise was the limitation imposed on Congressional control over interstate commerce; although Congress could regulate foreign commerce, it was to have no power over the slave trade until 1808. Congress also was forbidden to lay duties on exports.

**54. How did the Constitutional delegates compromise on the debts owed by the states to the nation?**

The Northern states wanted the national government to take over debts incurred by the states during the war. The Southern states opposed this plan. By compromise, the Southern states agreed to the Federal assumption of state debts, provided that the new national capital be situated in the South.

**55. What typical interstate grievances intensified the desire of the Constitutional Convention to build a strong central government?**

The delegates knew that New York taxed the market boats of New Jersey and Connecticut. Connecticut had refused to send wood, eggs, butter, and vegetables to New York City, where the food was urgently needed. If one state could refuse to trade with another, additional quarrels would ensue. At this time, there was an international dispute with Spain, which had closed the Mississippi River and seized the boats and goods of American traders. The strength of one or two states could not force Spain to open the river, but that might be done if all the states helped.

**56. Did members of the Constitutional Convention agree to revise the Articles of Confederation, which they had been convened to do?**

No. They agreed to write a new Constitution to supplant the Articles.

**57. What rivalries and suspicions worked against a quick agreement in the framing of the Constitution?**

The North was against the South. Slave states distrusted Free states. Industrial states did not wish agricultural states to buy foreign-made goods. States with big populations were hostile to the idea of having only two United States senators when little states would have the same representation. The delegates labored over compromise solutions, which helped develop a workable Constitution.

**58. How well attended was the Constitutional Convention?**

The average attendance daily was little more than thirty delegates, although fifty-five persons of the seventy-four who were chosen as delegates came to the Convention. Some delegates left the Convention during the summer because they believed it was exceeding its authority. They maintained that the original purpose of the Convention was to revise the Articles of Confederation, not to draft a new Constitution.

**59. How many delegates signed the final draft?**

On September 17, 1787, thirty-eight delegates from twelve states signed the final draft. An absent deputy had his signature affixed to the document at his own request, making a total of thirty-nine names.

**60. Why did some delegates refuse to sign the final draft of the Constitution?**

Some objected to the document on the ground that their people would not accept it. Others called the Constitution "a bundle of compromises." Others felt that the Articles of Confederation should be revised.

**61. What remark did Benjamin Franklin make when the Constitutional draft was signed?**

He rose, looked at the figure of a half-sun which was painted on Washington's chair, and said: "I have often and often in the course of the session looked at that sun without being able to tell whether it was rising or setting; but now at length, I am happy to know that it is a rising and not a setting sun."

**62. What procedure was set up for ratification of the Constitution?**

The Constitution was forwarded to the states for presentation to state conventions whose delegates were to be elected by the citizens.

**63. What sort of reception did the Constitution receive in the states?**

In all the thirteen states there were debates over the merits and shortcomings of the document. In some states, opposition was so formidable as to delay adoption of the plan. Most property owners, merchants, lawyers, and clergymen supported the Constitution. People of small means, mostly small farmers and urban workers, were in the opposition.

**64. What were the principal objections to the Constitution?**

People of one extreme argued that the Constitution deprived the states of vital rights. On the other extreme, the Constitution was criticized as not providing sufficient democracy.

**65. How long did the campaign for adoption of the Constitution continue?**

Within a few months after the Constitutional Convention five states ratified the document. By June, 1788, nine states had accepted. The Constitution, having been ratified by two-thirds of the States, was adopted. However, New York and Virginia, two large states, were not yet in the Union, and since it could not successfully be launched without them, the Continental Congress did not issue its resolution to put the Constitution into operation until September 13, 1788.

**66. How did New York finally adopt the Constitution?**

During the campaign in New York, the controversy was bitter. In support of the Constitution, Alexander Hamilton, John Jay, and James Madison wrote a series of newspaper articles, which explained the workings of the plan. The articles stressed the need for a Union of all states as opposed to three or four regional unions. The supporters of the Constitution called themselves Federalists, and the articles by Hamilton, Jay, and Madison were combined and published as "The Federalist" papers. But New York did not accept the Constitution until the Federalists succeeded in winning Virginia. Then New York followed her example, on July 26, 1788.

**67. What was the vote in the different states on the ratification of the Constitution?**

Georgia, Delaware and New Jersey ratified the Constitution unanimously. The others—New York, 30 to 27; Massachusetts, 187 to 168; Virginia, 89 to 79; New Hampshire, 57 to 47; Connecticut, 128 to 40; Maryland, 63 to 11; South Carolina, 149 to 73; North Carolina, 194 to 77; Rhode Island, 34 to 32.

**68. What influence did the state constitutions have on the United States Constitution?**

All the states organized their governments into three branches—the legislative, judicial, and executive. Every branch had its own function. This division of authority was included in the Federal Constitution, along with ideas from the Declaration of Independence and certain aspects of representative government in England.

**69. How does the Constitution avoid conflict of national, state, and local governments?**

The Constitution limits the powers of the national government, specifying the fields in which the nation may operate and the powers vested in the Congress, the president and the Supreme Court in matters that concern the nation as a whole. Matters of state concern come within the province of the state government. The state and local community are, for example, concerned with local taxation, control of marriage and divorce, local and state health regulations, and education. States may delegate some of these powers to counties, cities, towns, and villages. When laws of the nation conflict with those of a state, the national law is superior. The intent of the Constitution is to limit powers of nation and state in such a way as to make for a minimum of friction without violating the rights of the people.

**70. In what respect does American democracy differ from that in other nations?**

Some nations, including monarchies, have more or less democratic forms of government. In many instances the people have won from kings and nobles the power to participate in governments. In these countries these rights and powers belonged to the rulers who granted them to the people, voluntarily or otherwise. In the United States, the rights and powers always belonged to the people and the people grant them to their elected representatives. This is the American theory of government.

**71. How do Americans exercise their powers?**

By their votes, through the press, through exercising the right of free speech, and through the right of assembly and petition, the people can make their wishes known to their representatives. The ballot is the true "voice of the people," and this voting power, intelligently exercised, is at once the strength and hope of a democracy.

**72. What were the six basic principles on which the Constitution was built?**

The Fathers of the Constitution agreed without dispute to six basic principles:

**First: It was understood that all states would be equal.**

The national government cannot give special privileges to one state.

**Second:** There should be three branches of government—one to make the laws; another to execute them; and a third to settle questions of law.

**Third:** All persons are equal before the law, and anyone, rich or poor, can demand the protection of the law in the exercise of his rights.

**Fourth:** The Government is a government of laws, not of men. No one is above the law. No officer of the Government can use authority unless the Constitution or the law permits.

**Fifth:** The people can change the authority of the Government by changing the Constitution. [One such change was the election of senators by direct vote instead of by state legislatures.]

**Sixth:** The Constitution, the Acts of Congress and the treaties of the United States are law, the highest in the land. A state constitution or state law conflicting with them cannot be enforced in the national courts. The national government is a government of the people and not of the states alone.

**73. What basic ideas of group life were written into the Constitution?**

The following ideas were included:

**First:** The people wanted to form "a more perfect union," as expressed in the opening sentences of the Constitution. The Constitution outlines the purposes of the national government.

**Second:** The Constitution says final authority belongs to the people, who delegated some of their authority to the national government. This authority is divided among the president, the Congress and the Federal courts.

**Third:** The Constitution describes how the national government is organized; how legislators, the chief executive, and Federal judges are chosen.

**Fourth:** The Constitution permits the national government and the state government to function without giving one the right to end the other. Also, it provides for the settlement of disputes between states.

**74. What was the chief difference between the government under the Articles of Confederation and that established by the Constitution?**

The former was a Union of states, a league or confederation. As such it was a loose, impersonal combination of states, each of which considered itself supreme in many fields. Under the Constitution, the nation became a Union of people, a personal, living union which elevated its citizenry above sectional and state interests and undertook to unite them into a nation working out a common destiny.

**75. Do the Constitution and laws always represent the current wishes of the majority?**

The Constitution protects basic rights of all the people. However, not all laws enacted under the Constitution are acceptable to all classes, and a considerable minority may sometimes feel that they are being forced to accept the will of the majority. In such cases, the minority is free to campaign for its cause, and win, if possible, majority support. In the case of the Eighteenth Amendment, even a part of the Constitution was modified to meet a changed majority sentiment. Acceptance of the decisions of the majority is the fundamental fact of American political life.

**76. In what order did the states ratify the Constitution?**

Delaware was the first. Delaware ratified December 7, 1787; Pennsylvania, December 12; New Jersey, December 18; Georgia, January 2, 1788; Connecticut, January 9; Massachusetts, February 6; Maryland, April 28; South Carolina, May 23; New Hampshire, June 21; Virginia, June 26; New York, July 26; North Carolina, November 21, 1789; and Rhode Island, May 29, 1790.

After New York approved the Constitution, the city of New York was chosen as the first national capital. On April 30, 1789, President George Washington took the oath of office in New York City.

**77. How does the establishment of a democracy differ from the establishment of an autocracy?**

A democracy comes into being and is maintained through the medium of delegated authority, conferred by the direct ballot. An autocracy comes into being through the forceful usurpation of governmental powers, generally by a bloody revolt or purge, and is maintained by force and intimidation.

**78. What is government by the elite?**

A government by aristocracy is one in which power resides in the hands of a small number—the well-born, highly educated class. In modern political language, aristocrats no longer mean people who govern. Aristocrats are people

of the upper class as in other centuries, but in a democracy, they are not entitled to special privileges.

**79. Why was the eagle chosen as our national emblem?**

The eagle has been the device on the standards of ancient nations from the time of Alexander the Great until modern times, supposedly because the eagle typifies grandeur, sublimity, vigilance and courage. The Continental Congress adopted this emblem on June 20, 1782. William Barton, a Philadelphian, insisted on a crested eagle, which is not found in the United States. Franklin recommended the turkey as an emblem. The final choice was the American bald eagle.

**80. How did the name "Old Glory" originate?**

There are various legends about the origin of this name. Most of them associate the expression with Captain William Driver but vary as to the details of the occasion when he used the term. It was apparently a spontaneous expression uttered by Driver when he saw the American flag raised on the mast of his new ship. When the flag-raising occurred is not known for certain; the date given ranges from 1824 to 1831. The flag is now in the Smithsonian Institute in Washington.

**81. What Act of Congress authorizes a new star to be added to the American flag when a state is admitted to the Union?**

An Act of Congress on April 4, 1818, provides that a new star shall be added to the flag on July 4 following the admission of a new state.

**82. When was the Great Seal of the United States Treasury first used?**

The Great Seal is older than the Constitution, having first been used under the Articles of Confederation. The seal appears on all paper currency and on State Department papers, Executive Orders, and proclamations.

**83. Was "The Man Without a Country" a real or fictitious character?**

Philip Nolan in Edward Everett Hale's famed short story was a fictitious figure. Hale said there was no historical basis for the character.

**84. Are there any national holidays?**

Technically there are no national holidays that have been established as such by the Federal Government. Most holidays observed nationally are named as such by the states and recognized by Congress as holidays for Federal employees. Congress' jurisdiction for the establishment of legal holidays is limited to the District of Columbia. By Act of Congress, Armistice Day and Presidential Inauguration Days are District holidays.

**85. Is there a nationwide Memorial Day?**

No. In the North most states set aside May 30 as Memorial Day, the practice having originated with General John A. Logan in 1868. In Alabama, Florida, Georgia, and Mississippi, April 26 is Memorial Day; in the Carolinas, May 10; and in Kentucky, Louisiana, and Tennessee, June 3.

**86. How did it happen that there were two Thanksgiving Days in some states?**

Soon after the War Between the States, the observance of Thanksgiving became nationwide. Congress recognized the day by declaring that, for governmental purposes, the day set aside by the president should be a holiday. For many years, the president, under this authority, proclaimed the last Thursday in November as Thanksgiving Day, and recommended observance throughout the country. In 1939, President Roosevelt, to lengthen the interval between Thanksgiving and Christmas, proclaimed the third Thursday as Thanksgiving. But so deeply rooted had become the traditional date, that many of the states refused to change, producing a rather anomalous situation of two Thanksgiving Days.

**87. Is the traditional date for Thanksgiving currently observed?**

There still is a slight variance from tradition, which set Thanksgiving as the last Thursday in November. By an Act of Congress in 1941, the Federal Government now recognizes the fourth Thursday which is not always the *last* Thursday. There is no longer any discretion as to date left to the president.

**88. Is Uncle Sam the official symbol to represent the United States?**

Uncle Sam is a popular symbol that represents the United States as "John Bull" represents England. There are many stories and much controversy as to how he assumed the name and his costume. It seems most plausible that the words Uncle Sam were built from the two letters stamped on all United States property, particularly army beef, which the soldiers called Uncle Sam's beef. There is no etymological proof to support any of the stories; Uncle Sam has become official by tradition.

**89. Just what is the national anthem of the United States?**

By an Act of March 3, 1931, Congress adopted "the composition consisting of words and music known as 'The Star-Spangled Banner' " as our national anthem. Before that time, the Army and Navy had accepted "The Star-Spangled Banner" as official for those services, and it was in popular use, along with "America" and "Hail, Columbia," as a patriotic song, but without official sanction. However, the wording of the enabling act left uncertain both the exact wording and the exact setting which was intended to become the national anthem. As a matter of fact, the Army and Navy versions are not identical and there are many variations not only in the music, but in the text itself, in common use. One thing is certain, that the national anthem comprises the whole composition; but in practical usage, the singing of one stanza sufficiently meets the requirements.

**90. Who originated the saying: "Millions for defense, but not one cent for tribute"?**

Good authority ascribes this historic phrase to Robert G. Harper, although it has been attributed to Charles Cotesworth Pinckney. John Marshall, Pinckney, and Elbridge Gerry were appointed in 1797 to negotiate a treaty with the French government. Talleyrand through a secret agent suggested a bribe from the Americans, and Pinckney, by his own story, replied, "No, not a sixpence," or "not a penny; not a penny." On June 18, 1798, Marshall was tendered a dinner in Philadelphia, and one of the toasts, given by Harper

was titled, "Millions for defense, but not one cent for tribute." Harper declared that he did not have Talleyrand's bribe in mind.

**91. Who coined the word "Americanize"?**

John Jay in a letter to Colonel John Trumbull in 1797 when Jay was governor of New York wrote: "I wish to see our people more Americanized if I may use that expression. Until we feel and act as an independent nation, we shall always suffer from foreign intrigue."

**92. Does the word "American" belong exclusively to the United States?**

No. The term came into general use before the Revolution, when European countries referred to the people of the Colonies as Americans. Our size and rapid growth made it easy for us to monopolize the name. Legally, too, we may be entitled to it as we are the only country in the Western Hemisphere using the name, as in "The United States of America." We are the only people to call ourselves Americans. In other countries, they refer to themselves as Brazilians, Chileans, etc. One may be a South American or a Central American, but American alone signifies the United States of America.

**93. What is the American's creed?**

The American's creed was written by William Tyler Page, former Clerk of the United States House of Representatives, in 1917, and adopted and promulgated by the Government's Committee on Publication. It was accepted by the House of Representatives on behalf of the American people April 3, 1918. It is as follows:

I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

## II. Political Americana

### 94. What is a "Watchdog of the Treasury"?

A nickname given to a congressman or senator who battles vigorously against waste of public funds.

### 95. What is a "junket"?

A political junket is an excursion by a legislative investigating committee which devotes more time, energy, and interest to traveling luxuriously at public expense and enjoying itself than to accomplishing its mission. In this connection it should be stated that many congressmen travel extensively *at their own expense*, as fact-finders and investigators and cannot in fairness be labeled "junketers." Many investigating committees of Congress perform good services and by holding hearings all over the United States make it possible for witnesses who could not go to Washington to appear and give valuable testimony.

### 96. What is lobbying?

This is the influencing of legislators to vote for or against impending legislation. The term arose from the use of lobbies, or corridors, in legislative halls as places to meet with and persuade legislators to vote a certain way. Lobbying in general is not an evil; many lobbies provide Congress with reliable first-hand information of considerable value. But some lobbies, maintained by powerful and sometimes predatory organizations, have given the practice an undesirable connotation.

### 97. How is the Regulation of Lobbying Act under the Legislative Reorganization Act to be reconciled with the right to petition Congress?

The Lobbying Act seeks to reach lobbyists, whether they act by way of propaganda from

outside Washington, or as hidden agents or open representatives in Washington; but in no case does it curtail the right to act as a lobbyist, it merely requires disclosure of sponsorship and source of funds.

### 98. Does the Regulation of Lobbying Act infringe the freedom of the press?

The Act is specific in excluding from its scope a newspaper (i.e., the personnel of such a newspaper) which "in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, provided there is no further activity along that line than appearances by personnel before Congressional Committees on the particular issues in question."

### 99. What role do the clerk of the House and the secretary of the Senate play in administering the Regulation of Lobbying Act?

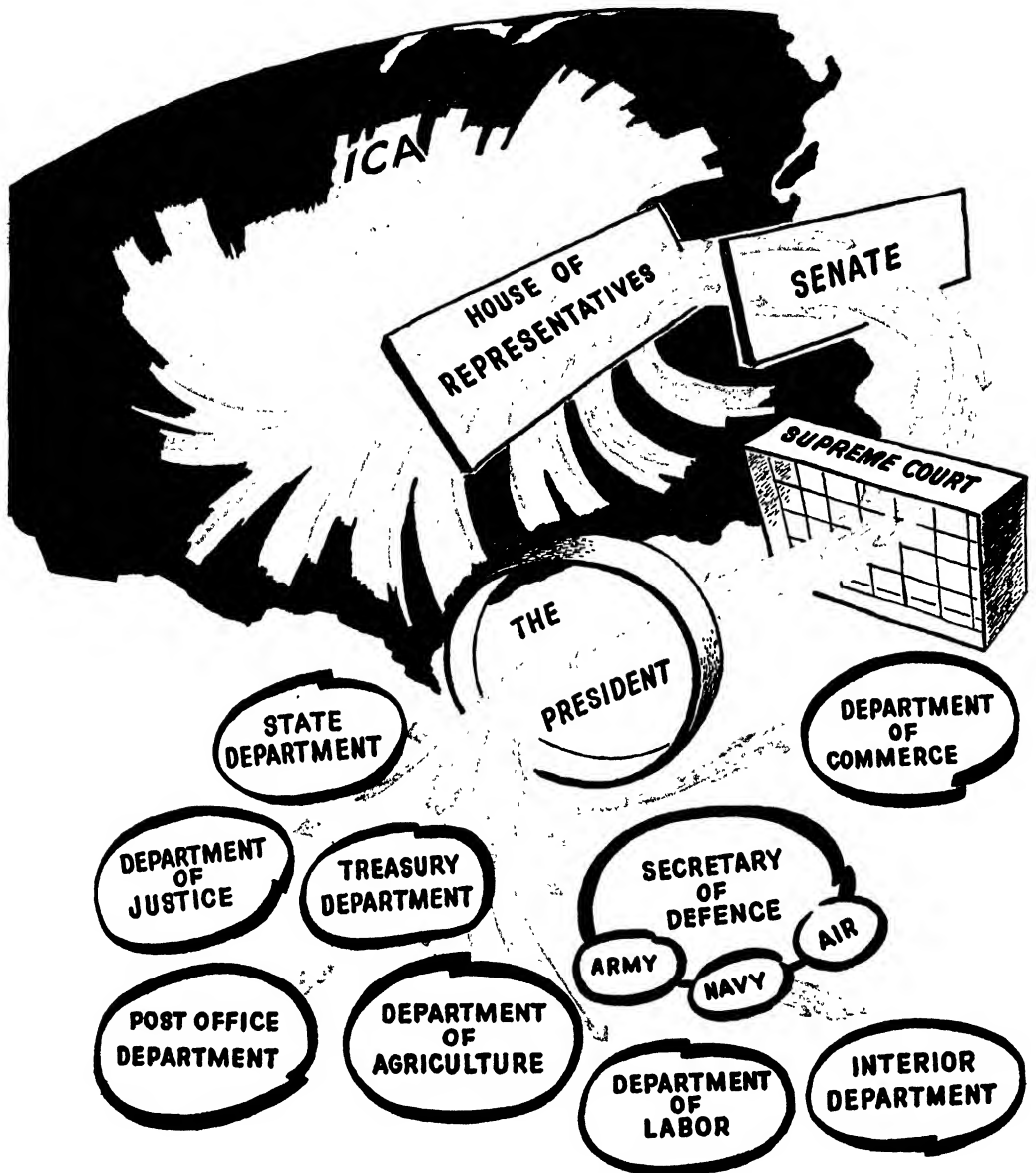
Persons engaging in lobbying for pay must register with the clerk of the House and the secretary of the Senate. The clerk and secretary, acting jointly, are required to compile the information thus filed with them and publish it quarterly in the Congressional Record.

### 100. How do lobbyists conform with the Regulation of Lobbying Act?

Such individuals must, if they solicit or accept contributions for lobbying purposes, keep accounts; present receipts and statements to the clerk of the House; and register with the clerk and the secretary of the Senate.

### 101. Does a lobbyist have to report his entire





*How the American People Expresses Its Will Through Its Government*

The people's will is made law by Congress. Constitutionality of a law is subject to ruling by the Supreme Court. The law is put into effect by the nation's chief executive officer, the president.

income to the clerk and the secretary of the Senate?

Only that part of his income earned in lobbying.

**102. Does the Regulation of Lobbying Act forbid any person from conferring with or communicating with a Member of Congress in support of or opposition to pending legislation, without registering?**

Absolutely not. The law does not require registration except in instances in which money is collected or received for efforts and influence used in behalf of or against bills.

**103. What is the "pigeonholing" of legislation?**

Pigeonholing is a slang term for the inaction of a committee which fails or declines to report a bill to a legislative body to be voted on. A committee chairman who wished to sidetrack, smother, or kill a bill could leave it in a pigeon-hole of his desk, which meant that for practical purposes the measure was dead, as there was no way of compelling the chairman to act on it.

**104. What is "pork-barrel" legislation?**

Bills which are enacted to provide appropriations for political purposes to a special group or region of the country are known, to opponents of the legislation, as "pork-barrel" measures. This designation is said to have originated in 1823, when the first appropriation for rivers and harbors was enacted. Opponents of the appropriation claimed it was purely political in purpose.

**105. What is *viva-voce* voting?**

This is voice voting; an elector or voter "casts his ballot" verbally. In the Colonial period the voice vote was always used, but as the nation grew, the practice declined. Voice voting continues, however, in many legislative assemblies. The presiding officer of a legislative body can expedite proceedings by calling for a voice vote; all those in the chamber opposing or favoring a measure say "no" or "aye" in unison. The presiding officer can generally determine by the volume of ayes and nays which side is in the majority.

**106. What is a "straw-vote"?**

A straw vote is a small-scale sample vote

to test how a real election would go. The expression is from the proverb: "Straws show which way the wind blows."

**107. What are "steamroller" tactics?**

The term "steamroller" was used by supporters of Theodore Roosevelt in the 1912 Republican party convention to describe the tactics of supporters of William Howard Taft for the presidential nomination. The minority contended that it was overridden by sheer force, stacked organization, and arbitrary parliamentary techniques. To steamroller is to override all opposition, regardless of the specific tactics used.

**108. How did the term "red tape" originate?**

The expression grew out of the use of time-consuming and laborious administrative procedures in England, and the inordinate amount of paper work involved in handling public business. Official papers and packets of documents were tied in red tape, which was constantly being tied and untied. Thomas Carlyle gave the term widespread currency as a result of his references to red tape in his critical writings. Dickens also emphasized the annoyances of coping with "red tape."

**109. What is a "payroll patriot"?**

During the war between the states persons seeking government positions in order to escape military service were dubbed "payroll patriots."

**110. How did the "Solid South" acquire this appellation?**

For many years after the Civil War former slaveholding states voted a straight Democratic party ticket. This solid Democratic front was achieved in 1877, after the withdrawal of Federal occupation forces and the overthrow in the South of the Republican party's domination. The Republicans had built up their strength with the aid of the Negro vote and the leadership of "carpet-baggers"—Northerners who migrated to the South for business and political activities. The "Solid South" maintained its political unity until 1928, when all the Southern states except Alabama and Arkansas voted for Herbert Hoover, the Republican candidate for president.

**111. Who were the "Know-Nothings"?**

In 1852 a secret organization was formed for the purpose of restricting immigration and limiting participation by foreign-born persons in government. Many of the rank-and-file organization members were not fully acquainted with the program of their "party," and answered, "I know nothing" when questioned. The party came to be known as the Know-Nothing party. In 1856 it abandoned its secrecy and adopted the name, "American party." In 1860 it became extinct.

**112. What is a "blanket ballot"?**

A general election ballot containing a long list of presidential electors, candidates for Congress, state legislatures, and county offices is sometimes called a "blanket ballot." Reformers use this term, contending that the ballot contains so many names that the average voter becomes confused.

**113. Who were the "Bull Moose"?**

The Bull Moose party was formed by former President Theodore Roosevelt and Senator Hiram Johnson in 1912 as the Progressive party, to oppose the regular Republican party leadership. Early in his independent campaign, Roosevelt was asked how he felt and replied, "As fit as a bull moose." Hence the name.

**114. How did the phrase, "Sixteen to One" originate?**

William Jennings Bryan ran for president against William McKinley in 1896 on a platform advocating the free and unlimited coinage of silver in the ratio of 16 to 1: i.e., all silver should be purchased, or coined, at a price one-sixteenth that of gold. The phrase "Sixteen to One" was a campaign slogan.

**115. What is "invisible" government?**

Invisible government is boss rule exercised by a personage who does not occupy an official position but is powerful enough to control the administration of public affairs through officeholders whom he places in official positions.

**116. Which party originated the two-thirds rule in its national conventions and later abrogated it?**

The Democrats. Until 1936 it was stipulated that a presidential nominee be chosen by a two-thirds vote of the convention delegates. In 1936 the party abrogated the rule in order to nominate candidates by a majority of the delegates. This is the procedure of the Republican party.

**117. How did the term "bloc" originate?**

The term "bloc" is French and means a group of persons or parties. In the Old World their function was to overthrow a ministry and reorganize a government. In American political parlance, bloc means a group of legislators drawn together for joint action in a common economic cause. The term was first used in the Senate in 1921 to designate a group of senators concerned with farm-relief measures. Members of the bloc included legislators from both parties. They were known as the farm bloc. On most issues not pertaining to bloc interests, members follow their party views. On legislation affecting their bloc problems such as labor, veterans' bills, mining, or banking, they vote as a unit.

**118. When did the "Mugwumps" acquire their name?**

In 1884, during the Blaine campaign for president. The Mugwumps were regular Republicans who bolted after the nomination of James G. Blaine. Senator Carl Schurz of Missouri was the leader of the Mugwumps. In the pompous campaign slurs of that day the term was defined as meaning: "A person whose ability was less than his pretensions." Horace Porter defined a Mugwump as a "person educated beyond his intellect." A voter who quitted Blaine on principle had to face that sort of humor.

**119. Who used the phrase "rum, Romanism and rebellion"? What was its significance?**

During the last week of the Blaine-Cleveland presidential campaign in 1884, a delegation of New York clergymen visited Blaine at his hotel to assure him of their support. Their spokesman, Dr. Samuel D. Burchard, said: "We are Republicans and don't propose to leave our party and identify ourselves with the party of rum, Romanism, and rebellion." This remark created a furore among American Catholics and was fully exploited

by the Cleveland forces. Blaine lost New York by 524 votes; had he carried the state he would have been elected president.

**120. When a person is said to have gone up "Salt River," what is the implication?**

Salt River empties into the Ohio River in Kentucky. In the early days of flat-bottomed river boats, Salt River was infested by pirates. Boats laden with goods from Pittsburgh and other river ports were seized and taken up Salt River, never to be heard of again. The term, politically, was applied to candidates defeated in elections.

**121. What connection does the soapbox have with the history of political oratory in America?**

In the early days of abolition, prohibition, and the Free Silver movement, it was standard practice for street-corner orators to borrow a soapbox from the nearest grocer as a platform. The "better element" among politicians viewed these open-air speakers as radicals and agitators and called them "soapbox orators."

**122. Who popularized the expression, "pussy-footer"?**

Theodore Roosevelt. Anyone refusing to make bold, unequivocal statements on issues when Mr. Roosevelt thought they should was scornfully characterized as a pussyfooter.

**123. What is a "fusion ticket"?**

A fusion is a temporary coalition of two or more parties to oppose a major party, usually in municipal and judiciary elections.

**124. What is a "favorite son"?**

A favorite son is a candidate for the presidential nomination who has the support of delegates from his state. Their support is generally expressed on the first ballot, as a token of their esteem for his leadership. The state delegation, after paying its respects to the favorite son, usually soon switches to a party candidate who is a serious contender.

**125. Why were party emblems introduced?**

Party emblems, which appear at the top of a party's column of candidates on the ballot, were

originally introduced to aid illiterate voters to identify their candidates' names. Now the emblems are jealously guarded labels of party loyalty. The Democrats use the donkey; the Republicans, the elephant.

**126. What is a plebiscite?**

A plebiscite is a public vote, usually to decide a specific question. The seizure of power by Napoleon III was confirmed in France in 1851 by a plebiscite. After World War I and again after World War II plebiscites have been used to enable peoples to decide what nation they wished to align with. The word is French in derivation, from Latin *plebiscitum*, a vote by the plebs or people. It means little to us as we have always voted this way.

**127. What is "boondoggling"?**

Boondoggling is an opprobrious political term used by critics to attack appropriations for make-work and relief purposes. During the early years of the Franklin D. Roosevelt administration agencies were set up to create jobs and public work projects as a means of recovering from the depression. Funds spent on jobs where workers allegedly "leaned on their shovels" were called "boondoggle" appropriations by the opposition.

**128. What is gerrymandering?**

The power of the states to redistrict their territory offered a strong temptation to manipulate the districts for political advantage, counting on the relative stability of the population. When Elbridge Gerry was governor of Massachusetts in 1812, the state legislature by law divided Essex County into one compact district and another rather absurdly shaped district running around the edge of the county, in which the Republican vote of Marblehead was calculated to offset the Federalist majorities of the other towns. At a Federalist gathering a map of the new district was doctored up with head, wings, and claws, with a remark that it would do for a salamander. Some wit said, "Gerrymander" — and that name has stuck for similar political maneuvering.

**129. What is the origin of the anonymous "White House spokesman"?**

There is a rule governing White House

press conferences that no newspaperman may quote the president directly without his special permission. In order to get direct statements into their reports without violating this regulation the newspapermen invented the fictitious "White House spokesman."

**130. When is the term "climbing aboard the bandwagon" generally used?**

The term is applied to a politician who reverses his stand to head a popular movement or joins the majority after being in the minority.

**131. Are the Prohibitionist and Socialist parties national parties? That is, do they offer candidates at national elections?**

Yes. Both the Prohibitionist and Socialist parties are national parties and they usually file a state ticket in every state to keep the party intact. The Prohibitionist party was made a national party in 1872 and the Socialist party became a national party in 1892.

**132. How and when were the donkey and elephant adopted as symbols of the Democratic and Republican parties?**

The donkey dates back to a cartoon by Thomas Nast which appeared in *Harpers Magazine* of January 15, 1870. This original cartoon depicted the "copperhead press" in the form of a live jackass, kicking a "dead lion," representing Edwin M. Stanton, the recently deceased Republican Secretary of War. From this special use, Nast progressed to using the donkey as a symbol for the whole Democratic party.

Thomas Nast also originated the G.O.P. elephant four years after the donkey. His first use of it was in a critical sense, as he thought the party had grown unwieldy and timid. The attributes presently ascribed to the donkey and elephant of course depend on the point of view; to the party members the donkey is a symbol of homely, down-to-earth appeal, while the elephant stands for intelligence and impressive strength.

**133. What is meant by "third party" movements in the United States?**

For many years the Democratic and Republican parties have dominated the political field to such a degree that national elections have been

contests between these two large organizations. But there is a large independent vote in the nation and on occasion a third party has emerged to secure the support of this element. Usually third parties have represented protest movements. The importance of such parties has been to influence the acceptance of reform proposals.

**134. What are some examples of third parties in the United States?**

The Republican party was a third party in 1856, made up of elements of the Whigs and of other, smaller groups. In 1912, Theodore Roosevelt backed a third party, the Progressives or "Bull Moose," which split the Republican vote and enabled Woodrow Wilson, the Democratic candidate, to win the presidential election. In 1924, the late Senator Robert LaFollette of Wisconsin and Senator Burton K. Wheeler of Montana ran for president and vice president on the Progressive party ticket in protest against the Democratic party's selection of John W. Davis, of West Virginia and New York, as presidential candidate. Calvin Coolidge, the Republican candidate, defeated Davis. LaFollette and Wheeler received some 5,000,000 "protest" votes.

**135. What is the difference between a majority and a plurality?**

A majority in an election is more than half of the total votes cast for all the candidates for that particular office. A plurality is an excess of votes over those of any other candidate for the same office, especially over the number for the next opponent.

**136. What is the origin of the order, "Put none but Americans on guard," the motto used by the Know-Nothing party in 1854?**

Tradition credits George Washington with making such a statement after a British deserter had allegedly tried to assassinate the General. There is no historical record of this fact. On April 30, 1777, Washington issued a circular letter in which he said, in part, "you will therefore, send me none but natives." This precaution was taken, it is believed, because the aforementioned British deserter tried to poison the General. The Briton was tried, convicted, and hanged.

# III. The Constitution

## 137. What is the "supreme law of the land"?

The Constitution, laws of the United States made "in pursuance of" the Constitution, and treaties made under authority of the United States. Judges throughout the country are bound by them, regardless of anything in separate state constitutions or laws.

## 138. Was a new Constitution the expressed object of the Convention of 1787?

The Philadelphia convention of May-September, 1787, was the result of a suggestion by the delegates to a trade convention at Annapolis in 1786. The idea was that representatives of all the states should meet to consider the defects in the existing system of government and to formulate "a plan for supplying such defects as may be discovered." The Congress in giving its approval did so with the express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as, when agreed to in Congress and confirmed by the states, should render the Federal Constitution adequate to the exigencies of government and the preservation of the Union.

## 139. Where are the originals of the Declaration of Independence and the Constitution kept?

In 1921, President Harding directed the transfer of these documents from the State Department to the Library of Congress, in order to "satisfy the laudable wishes of patriotic Americans to have an opportunity to see the original fundamental documents upon which rest their independence and their government." Since 1924, they have been on display in a shrine specially

constructed to counteract the effect of light upon the writing.

## 140. How may the Constitution be amended?

Amendments may be proposed on the initiative of Congress (by two-thirds vote in each House) or by convention (on application of two-thirds of the state legislatures). So far, there has never been a convention called under this authority. Ratification may, at the discretion of Congress, be either by the legislatures or by conventions, in three-fourths of the states. To date, the Twenty-first Amendment, repealing the prohibition amendment, is the only one to have been ratified by state conventions.

The first ten amendments were practically a part of the original instrument (being ratified in 1791), the Eleventh Amendment was ratified in 1795, and the Twelfth Amendment in 1804. Thereafter, no amendment was added to the Constitution for sixty years. After the Civil War, three amendments were ratified (1865-70), followed by another long interval before the Sixteenth Amendment became effective in 1913.

## 141. What is the Bill of Rights?

The first ten amendments to the Constitution, adopted in 1791, are commonly referred to as the Bill of Rights. As a matter of fact, the first eight really set out the substantive and procedural personal rights associated with that description, while nine and ten are general rules of interpretation of the relation between the state and Federal Governments — all powers not delegated by the Constitution to the United States, nor prohibited to the states, being reserved to the states or the people.

## 142. What are the rights enumerated in the Bill of Rights?

It should be noted that the Bill of Rights is in form primarily a bill of "don'ts" for Congress — in other words, it is not a theoretical enumeration, but a series of prohibitions of the enactment by Congress of laws infringing certain rights. Aside from the three perhaps most commonly discussed — freedom of religion, speech, and press — the rights include:

- Right to assemble, and to petition Congress (Am. 1)
- Right to bear arms (Am. 2)
- Right not to have soldiers quartered in one's home in peacetime except as prescribed by law (Am. 3)
- Right to be secure against "unreasonable searches and seizures" (Am. 4)
- Right in general not to be held to answer criminal charges except upon indictment (Am. 5)
- Right not to be put twice in jeopardy for the same offense (Am. 5)
- Right not to be compelled to be a witness against oneself (Am. 5)
- Right not to be deprived of life, liberty, or property without due process of law (Am. 5)
- Right to just compensation for private property taken for public use (Am. 5)
- Right, in criminal prosecution, to trial by a jury — to be notified of the charges, to be confronted with witnesses, to have compulsory process for calling witnesses, and to have legal counsel (Am. 6)
- Right to a jury trial in suits at law involving over twenty dollars (Am. 7)
- Right not to have excessive bail required, nor excessive fines imposed, nor cruel and unusual punishments inflicted (Am. 8)

**143. To what extent is the Bill of Rights a protection to the individual citizen?**

The First Amendment starts out with the words, "Congress shall make no law respecting . . ." And it is well settled that this carries over to the whole Bill of Rights: that all these amendments refer to powers exercised by the Government of the United States and constitute a protection against action by the national legislature only. Somewhat similar protection is extended against state action by the Fourteenth Amendment.

**144. Is there a distinction between civil rights and civil liberties?**

In general it may be said that the term "civil liberties" is commonly used to denote, in the large, the exemption of the individual from

arbitrary interference with his person, property or opinion, on the part of the Government; whereas, "civil rights" are specific rights which are secured to all the inhabitants of a country by virtue of its constitution and laws. In this respect, they may be contrasted with natural or "inherent" rights, which derive from so-called "natural" laws. In the United States, the term is most commonly used with reference to the Civil Rights Acts of the post-Civil War period.

**145. What were the prototypes from which the Bill of Rights was fashioned?**

Some of the enumerated rights go back to Magna Charta (1215), but others date from the English Petition of Right (1628) and the Bill of Rights (Declaration of Right) of 1689. From this last came the right of petition, and the Eighth Amendment intact (excessive bail, or fines and cruel or unusual punishments). The Petition of Right forbade the billeting of soldiers without consent of householders, imprisonment without specific charges, and required an orderly trial. The right not to be deprived of property except upon "legal judgment of his peers and the law of the land" goes back to Magna Charta.

**146. Which of the rights formalized in the Bill of Rights is the most recently developed?**

Freedom of the press, which was still in the balance in the Eighteenth Century. The case of Peter Zenger, a printer in New York, in 1734, was a notable triumph for a free press. It established that truth is a defense in suit for libel.

**147. Considering the vital importance of the Bill of Rights, how did it happen that these rights were not spelled out in the original Constitution?**

It will be remembered that the Federal Government set up by the Constitutional Convention was strictly one of enumerated powers only; that is, the new government was to be vested, on a national scale, with some of the powers theretofore possessed by the states as sovereignties in their own right. There was a widespread feeling at the time that there was really no need, then, of specifically denying to the new government any powers which it could not reasonably be construed

to have. It was even thought by some (including Hamilton) that to do so might amount to a tacit inference that the Government did have the power, and might lead to regulation in fields otherwise closed to Federal action.

**148. What "rights," proposed as amendments to the Constitution in 1789, were rejected?**

Resolutions numbered 1 and 2 in the group comprising the proposed Bill of Rights were rejected. The first prescribed the ratio of representation to population, in the House; and the second specified that no law varying the compensation of members of Congress should be effective until after an intervening election of representatives. The first of these failed of ratification by a margin of only one state.

**149. Which of the states urged a Bill of Rights to the newly adopted Constitution?**

Massachusetts, South Carolina, New Hampshire, Virginia, New York, North Carolina, and Rhode Island. The states whose ratification made the Bill of Rights effective were, in order of their ratifications: New Jersey, Maryland, North Carolina, South Carolina, New Hampshire, Delaware, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

**150. What states did not ratify the Bill of Rights until 1937?**

On the occasion of the one hundred and fiftieth anniversary of the Bill of Rights, the three states of Connecticut, Georgia, and Massachusetts, which had never taken action on them, ratified the first ten amendments which had been a part of the Constitution for a century and a half.

**151. If a "speedy trial" is a privilege guaranteed by the Bill of Rights, how does it happen that justice is frequently long drawn out?**

This language, as has been pointed out by the Supreme Court, is "necessarily relative." The general intent is obvious, but "it is consistent with delays and depends upon circumstances."

**152. In what circumstances may a man have access to the Federal courts for enforce-**

**ment of rights not specifically "arising under the Constitution, laws, and treaties of the United States"?**

In case of "diversity of citizenship." Under this clause (Art. III, Sec. 2 of the Constitution) the Federal courts are open to suits between citizens of different states regardless of whether the cause of action was properly one within Federal jurisdiction. In fact, the Federal courts became so clogged with such business that Congress has acted to relieve them by raising the required jurisdictional amount to \$3,000.

**153. What rights does a person have who thinks he is being illegally detained?**

The Constitution (Art. 1, Sec. 9) declares that the privileges of the writ of "habeas corpus" shall not be suspended "unless when in cases of rebellion or invasion the public safety may require it." This means, briefly, that a man who is held in confinement may apply to the judge for a writ directing the jailer to produce him before the court, at which time the question of the legality of his detention will be considered. This is a venerable and important method of asserting the civil right of personal liberty.

**154. Were there no civil rights enumerated and protected in the original Constitution?**

Yes. Art. I, Sec. 9 prohibits Congress from passing any bill of attainder or ex post facto law; and Sec. 10 makes the same provision with respect to state action, adding a prohibition of laws impairing the obligation of contracts. Sec. 9 also assures the privilege of habeas corpus except in time of rebellion, etc. Art. III, Sec. 2 requires jury trial in all criminal cases, and Sec. 3 requires testimony of at least two witnesses to the same overt act to convict of treason.

**155. What were the "Civil Rights Cases"?**

These were a group of cases decided together by the Supreme Court in 1883 (109 U.S. 3). They were brought under the Civil Rights Act of 1875 by which Congress attempted to secure "to all persons within the jurisdiction of the United States" the full and equal enjoyment of hotel accommodations, theater privileges, etc. The decision held the act unconstitutional; that is, it made



# We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby adopt the following Constitution for the United States of America.

## Article I.

**Section 1.** All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**Section 2.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not, when elected, have attained to the Age of twenty five Years, and seven Years, nor be seven Years a Citizen of the United States, and when elected, shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and including Indians not taxed, three fifths of all other Persons.

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and every subsequent Enumeration of Persons in each State shall be made by law, which shall be made by Law.

The Number of Representatives shall not exceed for every State one Representative for every thirty thousand Persons; and each Representative shall, when elected, have attained to the Age of twenty five Years, and seven Years, nor be seven Years a Citizen of the United States, and when elected, shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

No Person shall be a Representative who shall not, when elected, have attained to the Age of twenty five Years, and seven Years, nor be seven Years a Citizen of the United States, and when elected, shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

**Section 3.** The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Clauses. The first of these Clauses shall be composed of the Electors of the several States, the second of the Electors of the District of Columbia, and the third of the Electors of the Territories.

The Electors shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be an Elector who shall not, when elected, have attained to the Age of twenty five Years, and seven Years, nor be seven Years a Citizen of the United States, and when elected, shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

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## The Constitution of the United States

First Folio of the Constitution, showing the Preamble and seven sections of Article I. The original document and the Declaration of Independence are in the Library of Congress in Washington, D.C.

it clear that rights of this sort are not properly civil but social rights.

**156. Does the Constitutional guaranty of trial by jury (Art. III, Sec. 2, Sixth and Seventh Amendments) apply to trials in all courts throughout the country?**

No. These Constitutional provisions apply only to proceedings in Federal courts. The great bulk of trials over the country as a whole are in State courts, and as to such proceedings all that the Constitution guarantees is that there shall be "due process of law" (Am. 14). It has been held by the Supreme Court that jury trial is not essential to due process either in civil or in criminal cases.

**157. If trial by jury is guaranteed by the Constitution, does that mean that all juries must be composed of twelve men (or women)?**

No. It is true that "trial by jury" as used in the Constitution means a jury of twelve; but the great bulk of trials held throughout the country are under state law, and as to such proceedings all that the Constitution guarantees is that there shall be "due process of law." The specific references to jury trial in the Constitution refer to proceedings in Federal courts. (Art. III, Sec 2; Am. 6 and 7).

**158. Is there any distinction between freedom and liberty?**

Both terms are used in the Constitution: "freedom" in the First Amendment (freedom of the press), "liberty" in the Preamble (the blessings of liberty), and the Fifth and Fourteenth Amendments (life, liberty and property). For practical purposes, "the terms of freedom and liberty are words differing in origin (German and Latin); but they are, in use, too nearly synonymous to be distinguished in legal definition."

**159. What distinction, if any, is there between citizenship of the United States and of a state?**

Neither the Constitution nor Act of Congress had defined citizenship or distinguished between United States and state citizenship before the Fourteenth Amendment. By the terms of that

Amendment, a person acquires U. S. citizenship by birth or naturalization in the United States (and subject to its jurisdiction), but to acquire state citizenship such a person must further be a resident of the state concerned.

**160. Are persons of any particular race barred as such from acquiring United States citizenship?**

Only "white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere and Chinese persons or persons of Chinese descent" are eligible to naturalization. Thus by implication, persons of all other races (notably including the Japanese) are barred. Of course, persons of any race, including Mongolians, born in the United States, are in general United States citizens by birth, under the Fourteenth Amendment.

**161. Could there be any act penalizing innocents for the crimes of their forebears?**

Art. III, Sec. 3, Cl. 2 of the Constitution protects all persons from charges of "corruption of blood," no matter how heinous the crime of an ancestor.

**162. Why cannot Congress enact a law that would permit the working of corruption of blood?**

The Constitution provides: "But no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."

**163. What protection does the Constitution throw about a person accused of treason?**

Art. III, Sec. 3, not only defines exactly the crime of treason, viz., only levying war against the United States, or adhering to their enemies, giving them aid and comfort; it also prohibits conviction except on testimony of at least two witnesses to the same act or on confession in open court.

**164. Does a naturalized citizen have the same rights as a native-born citizen?**

Yes. Except that he may not become president.

**165. Does the language of the First Amend-**

ment, "peaceably to assemble and to petition the Government" imply more than one substantive right?

On the face of it, there are here two distinct rights, (1) to assemble, for lawful purposes, and (2) to petition the Government for a redress of grievances. Some text writers, apparently without careful thought, treat this clause as though there were no comma after assemble, and consequently there was but one right involved, to assemble and petition. The one case in which the clause has been discussed in the Supreme Court (*U.S. v. Cruikshank*, 92 U.S. 542) makes it clear that the right to assemble *for any lawful purpose* has always been an attribute of citizenship in a free country; and that it is the assembly for the purpose of petitioning the Government that is here protected as a right of United States citizenship.

**166. Was there any question in the Constitutional Convention as to the essential form of the national legislature to be established?**

This was one of the very first matters to come before the Convention in Committee of the Whole on May 31, 1787. Actually two of the states at the time (Georgia and Pennsylvania) had a single-chamber legislature; and in a good many of the states there were higher property qualifications for the Senate than for the lower House, so that the Senate was commonly thought of as representative of the property interests. When the question was finally determined, on June 21, the vote for a bicameral legislature was seven states in favor, three against, and one divided.

**167. Upon what date does an amendment become effective as a part of the Constitution?**

Upon the date of ratification by the state making up the necessary three-fourths required by the Constitution — regardless of date of subsequent announcement by the Secretary of State. For example, the Seventeenth Amendment became effective on April 8, 1913, when the Thirty-sixth State (Connecticut) approved it, although Secretary of State Bryan's announcement of the result was not made until May 31. The announcements

in such cases usually note that "the Amendment aforesaid has become valid to all intents and purposes as a part of the Constitution of the United States."

**168. How long may a proposed amendment remain outstanding and open to ratification?**

The Supreme Court has stated that ratification must be within "some reasonable time after the proposal." Beginning with the Eighteenth Amendment it has been customary for Congress to set a definite period for ratification. In the case of the Eighteenth, Twentieth, and Twenty-first Amendments the period set was seven years; but there has been no determination as to just how long a "reasonable time" might extend.

**169. What is the "lame duck" amendment?**

The Twentieth Amendment, adopted upon ratification by the thirty-sixth state on January 23, 1933, by which the terms of members and (normally) the first annual session of a Congress begin on January 3, following the general election.

Prior to this Amendment the annual session of Congress began on the first Monday in December (Constitution, Art. I, Sec. 4). As the terms of members commenced on March 4, this meant that members elected in November of the even-numbered years did not take office for four months, and normally did not take part in a session of Congress for nine months more; that is, the session which began in December immediately following election included members who had been defeated at the polls or had not stood for re-election; for this reason it was known as the "lame duck session," and the Twentieth Amendment which shifted the dates involved is called the "Lame Duck Amendment." It has not entirely obviated the inconsistency of legislation by a Congress which does not represent the latest choice of the people, as witness the last session of the Seventy-sixth Congress.

**170. Why was a constitutional amendment necessary to change the date of the beginning of the terms of president, vice president, and members of Congress?**

The Constitution fixes the terms of president and vice president at four years, of senators

at six years, and of representatives at two years. Any change of date would affect the terms of the incumbents. It was, therefore, necessary to amend the Constitution to make the change. This shortened the terms of President Franklin D. Roosevelt and Vice President John N. Garner and all senators and representatives in office at that time.

**171. What is the proposed Twenty-second Amendment that has not been submitted by Congress but requested by a number of states concerning the limiting of the power of Congress to impose income taxes?**

This is a proposal to repeal the Sixteenth Amendment and provide, instead, that while Congress shall have power to collect income taxes without apportionment, the maximum rate of tax shall not exceed twenty-five per cent.

The proposal has been endorsed by the legislatures of seventeen states. However, six of these states have rescinded their former action in this regard. Under the Constitution, an application from thirty-two states would require Congress to submit the proposal to the states for ratification.

**172. Were political parties contemplated by the Constitution?**

Although political parties existed in the Eighteenth Century, they were generally held in poor esteem. The framers of the Constitution tried by the device of an electoral college to avoid having political parties control the election of the president. The state legislatures were to choose the members of this college.

**173. What is the background of American political parties?**

With the adoption of the Constitution, two loosely knit, though distinct, political factions arose; the Federalists and the Anti-federalists. The former, the first to appear, represented mercantile-shipping-financial interests, and were loose constructionists in interpreting the Constitution. Under Alexander Hamilton, who annexed unwarranted powers to his office as Secretary of the Treasury, this faction identified itself with the Administration. The planting-slaveholding interests, led by Jefferson and Madison, naturally op-

posed the adoption of Hamiltonian measures, and constituted an anti-administration bloc.

By 1793, the factions had crystallized into two national parties. Up to this time, most of the members of Congress were not attached to either bloc; and candidates for the national legislature campaigned essentially on personal merits or past services. But when the French Revolution produced the Reign of Terror, Americans in general felt themselves obliged to choose between two political philosophies. The upheaval in France appeared to most Americans as a definitive struggle between monarchism and republicanism, religion and atheism, order and anarchy. Those who condemned the Revolution generally allied themselves with the Federalists, whereas the Southern landed gentry, who though slaveholders, were largely free-thinkers and deists, minimized the excesses of the Revolution, and joined the Anti-federalists. The French Revolution, then, must be considered as the immediate precipitant of American political parties.

**174. What were the first two major political parties?**

The Federalists and the Republicans. The Federalists, under the leadership of Alexander Hamilton, were identified with policies calling for nationalistic legislation and a liberal construction of the Constitution; members of the opposition party, under Thomas Jefferson, were known indiscriminately as Republicans or Democrats, and stood for a strict construction of the Constitution, states' rights and individual liberty.

The Federalist party practically disappeared after the War of 1812; and was succeeded by the National Republicans and Whigs. The Whig party in turn disintegrated after 1852 and the (present) Republican party took form in 1854, its first presidential candidate being John C. Fremont, in 1856. The name "Republican" was formally adopted by a state convention at Jackson, Michigan, on July 6, 1854.

The original Jeffersonian Republican party gradually came to represent not so much a single cohesive party as a collection of factions. Under Andrew Jackson these groups amalgamated under the name of Democratic Republicans, which was soon shortened to Democratic (the present party designation).

**175. Are political parties essential to free government?**

Yes, according to the consensus of contemporary thought. The Constitution of 1787 did not envisage political parties, and in fact there was considerable prejudice against parties at the time. But in spite of occasional abuses, voluntary political parties offer a means of ascertaining and registering popular sentiment. They grow out of the natural disagreements among the people over the principles of government. They thus become essential to the successful functioning of democratic government (which means government by the people); a unified government is not a party government.

**176. What is the electoral college?**

The "college" comprises the whole number of presidential electors — equal, in each state, to the number of senators and representatives to which the state is entitled. They are the persons actually voted for on election day, who in turn meet at their state capitals and vote for president. No member of Congress may be "appointed" (that is, elected) to the electoral college. In a few states, electors are bound by the state law to vote for the party choice for president; but in most states their vote for the party choice is simply a matter of course.

# IV. The Congress

## GENERAL FACTS

### 177. What is the Congress?

The Congress of the United States is the legislative branch of the national government, in effect the national legislature, and consists of two branches — the Senate and the House of Representatives. Its existence, authority, and limitations are provided by the Constitution, Art. 1, which begins as follows:

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

### 178. Why is the Senate referred to as the "upper House" and the House of Representatives as the "lower House," and is one House actually lower than the other?

"Upper" and "lower" are commonly applied to the two branches of a bicameral legislature, the upper being the less numerous or higher in rank of the two. The extra-Constitutional practice of referring to the two Houses of Congress as "upper" and "lower" apparently goes back to the customary designations of the House of Lords and House of Commons of the British Parliament. There it was originally an expression of the relative social standing of the membership of the two Houses — the peers outranking the commoners in the social scale. As applied to the Houses of Congress, it carries, of course, no such implication. Nor does it indicate any difference in importance, under our scheme of government.

### 179. How are senators and representatives elected?

By popular vote on the day fixed by Con-

gress — the first Tuesday after the first Monday in November in the even-numbered years (except in Maine). The qualifications of voters at this general election are the same as for electors of the most numerous branch of the state legislatures — the Constitution merely adopting state provisions on the subject.

### 180. What is the term of a Congress?

In point of time, a Congress commences January 3 of each odd-numbered year, and continues for two years, regardless of the number of regular or special sessions held.

### 181. What is a session of Congress?

A session of Congress usually means that both Senate and House are in session, i.e., meeting for the transaction of business. However, the Senate may be called in extra session without the House, to consider treaties, try impeachments, or confirm appointments, all which matters are considered exclusively by the Senate.

### 182. Is there a fixed limit to the length of a session?

Yes. By the Constitution (Am. 20) Congress must hold an annual meeting, commencing normally on January 3. The Legislative Reorganization Act goes further and requires Congress to adjourn this annual meeting *sine die* not later than the last day of July, except in time of war or national emergency. Since one Congress cannot bind its successors in such a matter, this requirement may be changed by a later Congress.

### 183. When Congress is in session, at what hour do the two Houses meet?

The time of meeting is fixed by each House. Under standing order, the House ordinarily meets at 12 o'clock noon and usually remains in session until 5 or 6 P.M.

The Senate also ordinarily meets at "12 o'clock meridian." No reason is known for this wording in the Senate, which calls it meridian rather than noon.

**184. What is a congressman?**

A congressman is a member of either the Senate or the House of Representatives. However, a member of the Senate is usually referred to as a senator and a member of the House as a congressman. The official title of a member of the House is "representative."

**185. What is a delegate and a commissioner, as distinguished from a congressman?**

From very early times each organized Territory of the United States has had the right by law to elect a delegate to the House of Representatives. Such delegate has the right to a seat in the House and to take part in debate, but not to vote. Under the Legislative Reorganization Act, both the delegates and the resident commissioner are to serve as additional members on the committees on Agriculture, Armed Services, and Public Lands. There, too, they may debate and make motions (except to reconsider) but have no vote. At present there are delegates only from Alaska and Hawaii.

In the case of the Philippines (while under United States control) and Puerto Rico — neither of which was technically a Territory — the similar official was called a "resident commissioner." Since July 4, 1946, there has been a resident commissioner only from Puerto Rico.

**186. What is the pay of a delegate or resident commissioner in Congress?**

In general a delegate or resident commissioner is entitled to the same pay and allowances as a congressman, but the delegate from Alaska and the resident commissioner from Puerto Rico receive a lump sum for traveling expense, in lieu of the regular mileage allowance of twenty cents a mile.

**187. How many members has each state in the House and Senate?**

Each state, by the Constitution, is always entitled to two senators. Under the reapportionment following the 1940 census, the states are entitled to representatives as follows: Alabama, 9; Arizona, 2; Arkansas, 7; California, 23; Colorado, 4; Connecticut, 6; Delaware, 1; Florida, 6; Georgia, 10; Idaho, 2; Illinois, 26; Indiana, 11; Iowa, 8; Kansas, 6; Kentucky, 9; Louisiana, 8; Maine, 3; Maryland, 6; Massachusetts, 14; Michigan, 17; Minnesota, 9; Mississippi, 7; Missouri, 13; Montana, 2; Nebraska, 4; Nevada, 1; New Hampshire, 2; New Jersey, 14; New Mexico, 2; New York, 45; North Carolina, 12; North Dakota, 2; Ohio, 23; Oklahoma, 8; Oregon, 3; Pennsylvania, 33; Rhode Island, 2; South Carolina, 6; South Dakota, 2; Tennessee, 10; Texas, 21; Utah, 2; Vermont, 1; Virginia, 9; Washington, 6; West Virginia, 6; Wisconsin, 10; Wyoming, 1.

**188. Are senators and representatives public (civil) officers of the United States?**

In the strictest sense only persons appointed by the president, the courts, or department and agency heads are public officers. But the term is frequently used to include members of Congress.

The Constitution makes a clear distinction between members of Congress and others in office. Art. II, Sec. 4, states that the president and vice president and "all civil officers of the United States are liable to impeachment." This has been specifically held as not applying to members of Congress. Elsewhere, Art. VI, in enumerating persons bound by oath to support the Constitution, painstakingly speaks of senators and representatives as distinguished from members of state legislatures and "all executive and judicial officers," both state and Federal.

**189. Can members of Congress be impeached?**

Probably not. Only instance in which impeachment proceedings have been instituted against a member was the case of Senator Blount in 1798; the Senator resigned before the case came to trial in the Senate, so although the decision was that the Senate had no jurisdiction there has been some difference of opinion whether it is a clear-cut precedent. At any rate, no impeachment proceedings have been instituted against a member for nearly 150 years. Each House may, with the con-

currence of two-thirds, expel a member; and of course any member is subject to prosecution in the courts for treason, felony, or breach of the peace, the same as private citizens.

**190. What oath is taken by members of Congress?**

The oath taken by both senators and representatives is as follows: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

**191. Are the members provided with offices in which to conduct their business?**

The 435 members of the House have offices in two buildings about 150 yards south of the Capitol. When the weather is bad or when traffic is too heavy on the streets, they can reach the Capitol Building through a subway.

The 96 senators are provided with offices in a building about 150 yards northeast of the Senate wing of the Capitol. The senators are provided with a one-rail electric train in a subway for quick transportation from their building to the Senate floor.

**192. Are eating places provided in the Capitol for members and their guests?**

Yes; in both the Senate and House wings of the Capitol meals are served at prevailing prices. Meals are not served free to anyone. Since Congress usually meets at noon, the members obtain their noonday meal, when it is convenient for them, during a lull in the proceedings or while something is being considered which does not require their attendance. If a vote is called for during their absence, the bells are sounded and they can return to the floor in plenty of time to vote.

In addition, there are restaurants in the Senate and House Office Buildings open to members and Congressional employees.

**193. How can any citizen get his views considered by Congress?**

The Constitution of the United States provides that "Congress shall make no law respecting . . . the right of the people peaceably to assemble and to petition the Government for a redress of grievances." A special place is set aside in the *Congressional Record* each day for petitions which may be filed by a member and referred to the appropriate committee for consideration. The notation in the *Congressional Record* recites the name of the member offering the petition, the name of the petitioner, and a brief summary of what the petition contains.

**194. How should one address a member of Congress if he desires to communicate with him?**

Example as follows: Hon. John Jones, M. C., House (or Senate) Office Building, Washington, D. C.

If Congress is not in session, the communication should be addressed to his home town.

**195. Is a woman member of Congress referred to as a "congresswoman"?**

In the House she is "the Congresswoman from \_\_\_\_." In the Senate, "the Senator from \_\_\_\_."

**196. Should one communicating with a member of Congress send postage for reply?**

Any correspondence with a member in his strictly official capacity may be answered without payment of postage. The matter is covered by law:

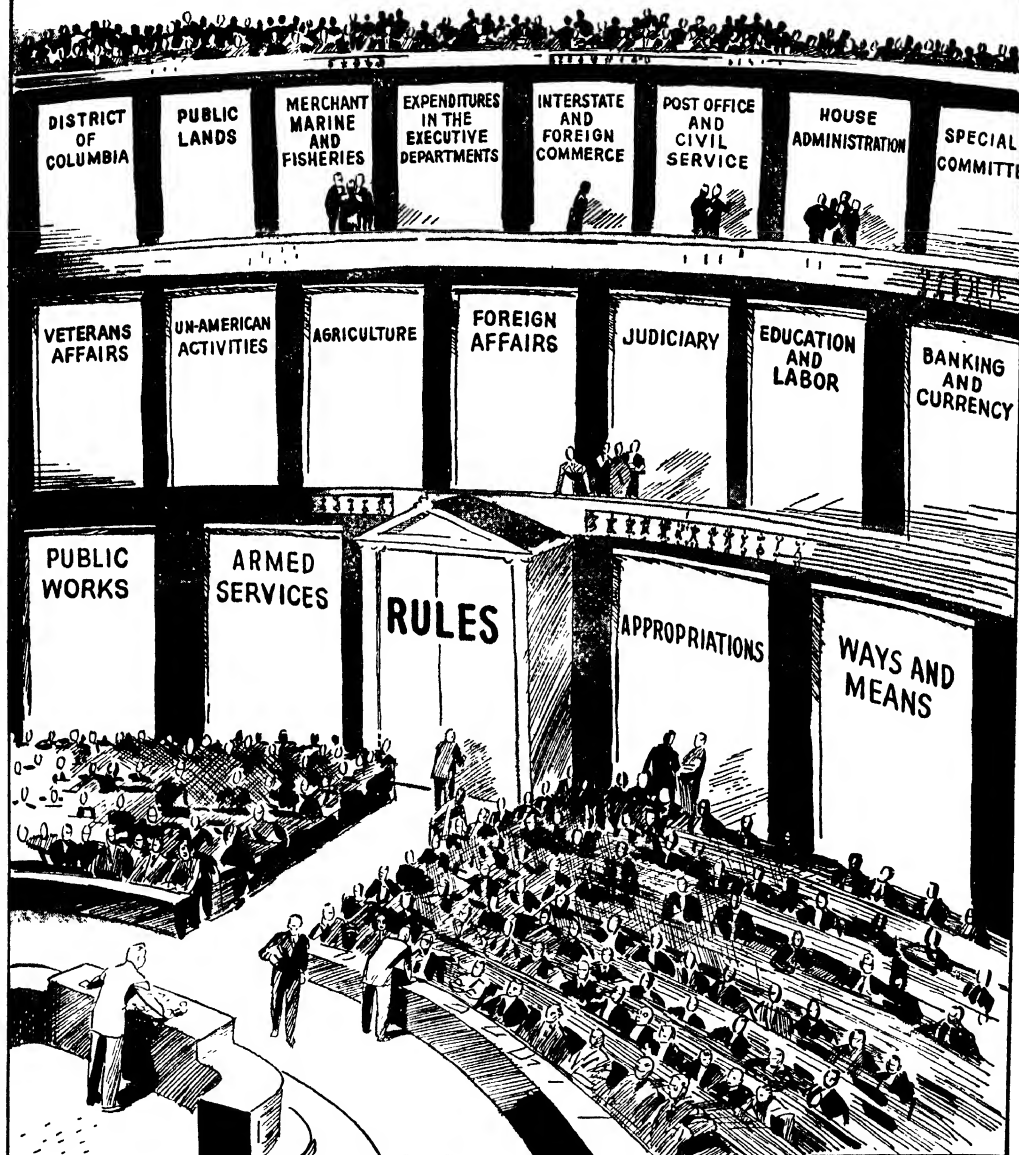
Members, Members-elect, Delegates, and Delegates-elect may send free through the mails, under their franks, within certain limitations, any mail matter to any Government official or to any person, correspondence upon official or departmental business. Retiring Members are permitted the franking privilege until June 30, after expiration of term to close up all official business on hand.

**197. What is the Congressional courtesy rule regarding correspondence between one member and a constituent of another member?**

A member receiving correspondence from a person not in his district ordinarily forwards same to the member actually representing the writer's district, at the same time notifying the writer of his action and suggesting that the mat-



# STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES



ter will thus be most efficiently and expeditiously handled.

**198. How can a member be reached over the telephone when the House is in session?**

The Capitol exchange should be requested to call the Democratic cloakroom, if the member wanted is a Democrat; or the Republican cloakroom if he is a Republican. A number of young men are on duty to answer the telephone and promptly notify the member called for.

**199. Are visitors allowed to listen in on the proceedings of Congress?**

Yes; both Houses have visitors' galleries. Visitors are subject to control by the presiding officers of the two Houses, and the galleries may be cleared in case of disorder. In the Senate chamber the galleries are cleared when the Senate goes into executive session.

**200. Why were galleries built in the Houses of Congress?**

To permit the fullest publicity of sessions, whether the proceedings make a favorable or unfavorable impression. In this connection, all state legislative bodies have followed the example of Congress by providing similar facilities for visitors and spectators.

**201. Is applause permitted in the galleries?**

Demonstrations of any kind are prohibited. But legislators attach significance to the turnout in the galleries on certain issues, and occasional outbursts from spectators either in approval or disapproval of Congressional action are "barometers" of public sentiment. In the Senate the rules for gallery visitors are stricter than in the House, the Senate being the more dignified and decorous of the two bodies. In both galleries the taking of photographs is forbidden. Films may be seized by gallery attendants.

**202. What provision is made for the press to cover proceedings in Congress?**

A special space in the galleries is set aside for members of the press, and known as the "Press Gallery."

**203. What are the duties of a page in the Senate, and do they differ from the duties of House pages?**

Senate pages (of whom there are twenty-one) are on duty starting at 9:30 A.M. and until recess or adjournment. Before the start of a session, they act as messengers between the Capitol and the Senate Office Building. After lunch, two pages care for hats and coats at the doors on each side of the Chamber, and several are assigned to answering telephones in the cloakrooms. The rest take their places at the rostrum ready to bring anything needed by a senator — usually copies of bills or reports, but also miscellaneous items such as water and other things needed for comfort and convenience. In addition, each page keeps a certain number of desks stocked with an up-to-date file of *Congressional Records* and pending bills.

The forty-seven House pages report for duty at (on the average) 9 A.M. They likewise act as messengers between Capitol and House Office Buildings. During a session they stand in the rear corners of the Chamber ready for duty. Several are assigned to answer cloakroom phones, and others act as "amendment pages," carrying copies of bills and amendments to members.

A special school for pages of both the Senate and House is set up in the Capitol under the supervision and direction of the District of Columbia public school system. Expenses of this school are met by a special appropriation made by Congress.

**204. Are members forbidden to wear hats on the floor of Congress?**

Until 1837, it was permissible for congressmen to wear hats during sessions, after the fashion of members of Britain's Parliament. Since then members of Congress have been prohibited from covering their heads until after leaving the legislative Chamber.

**205. Does a congressman's pay depend on his performance of any fixed duties?**

There are no specifically defined duties for a member of Congress. He is required to be present when Congress is in session, unless he is excused to perform official business elsewhere or because of illness. The House sergeant-at-arms is empowered to deduct from the member's pay the pro rata amount for every day of absence from sessions if the member is not officially excused or is not ill.

206. When a member of Congress dies or resigns does the employment of his staff automatically terminate?

Secretaries and clerks remain on the payroll for a six-month period following the death or resignation of their employer.

207. Are the House and Senate Chambers limited in use to legislative business?

Yes. They may not be used for other purposes.

208. What control does a political party have over its individual members in Congress?

The principal parties are the Democratic and Republican, and these exercise control by means of caucuses and conferences.

Democrats hold a party caucus and may bind the members to vote a certain way on a bill, if two-thirds vote in favor of being bound. However, a member may excuse himself if he has a good and sufficient reason, such as having committed himself to a contrary position when seeking election, or a Constitutional reason.

The Republicans hold a party conference instead of a caucus, and their members cannot be bound except on matters pertaining to party organization.

209. What is a party leader?

There is a majority leader and a minority leader. In talks on the floor, members do not usually refer to Democrats and Republicans. It is more dignified, it seems, to refer to the majority and the minority. The majority leader at this time is a Republican and the minority leader is a Democrat. The majority leader has the more influence, of course, since he has the majority of the membership back of him.

The leader is all the title implies. He leads in party debate. He brings forward party programs and policies. His advocacy of, or opposition to, proposed legislation indicates the party preference. The majority leader has much control over what legislative programs come up and when.

210. Is the majority leader, in either branch of Congress, elected by the House or Senate?

The majority leaders in both House and Senate are not officers of that body, but of the party numerically in the majority at the time. So while each House, under the Constitution, chooses its officers, majority leaders are not selected by the House or Senate as such but by a party caucus.

211. What are the powers and duties of the sergeants-at-arms of the Senate and House of Representatives?

The office of sergeant-at-arms is derived from a similar office in both Houses of the British Parliament. The sergeant-at-arms is, above all, the chief disciplinary officer and is empowered to enforce order upon the floor. In the House he has a special symbol of office, the mace; also, he is the disbursing officer. Both officers share certain joint responsibilities, such as policing the Capitol and grounds; they act as executive and purchasing officers for their respective bodies, and in general see to it that the respective rules and wishes of the two Houses are faithfully carried out. Finally, in each House, its sergeant-at-arms, by the direction of the presiding officer, may compel the attendance of absent members.

212. Can either the House or Senate command the attendance of a member of the other Chamber?

There is no compulsion. One House desiring the presence of a member of the other must transmit a message to this effect, clearly expressing its purpose. The requesting House then awaits the response of the addressee. If he chooses to attend he is given leave for this purpose. If not, the message is not considered.

213. Is it permissible for members of one House to refer to votes or debates in the other?

When both Houses are considering the same subject, it is a breach of order for members of one to make reference to action taken in the other. Each House undertakes not to be influenced by the other, lest quotations and reflections lead to a misunderstanding.

214. Are the proceedings in Congress published and preserved?

Each House, under the Constitution, keeps a journal of its proceedings. With the exception

of the journal of the Senate while in executive session, these are published among the documents of each session. The "executive journal" is not published except as the injunction of secrecy is removed by order of the Senate. Thus, in 1910, the Senate ordered it printed for the period up to March 9, 1901, and the journals to that date are available. Journals of subsequent years have been printed, but as the injunction of secrecy has not been removed, they are not available to the public.

The journals do not, of course, report debates, but the bare parliamentary proceedings. For a record of the debates there has been a succession of reports, overlapping in part, as follows: *Annals of Congress, 1789-1824*; *Register of Debates, 1824-1837*; *Congressional Globe, 1833-1873*; and finally and currently, the *Congressional Record, 1873 to date*.

**215. What does the *Congressional Record* contain now?**

The *Congressional Record* contains an official complete record, as taken stenographically, of everything said on the floor of both Houses including roll calls on all questions. An appendix contains material not spoken on the floor but inserted by permission — the so-called extension of remarks.

The *Record* is printed at the Government Printing Office. Bimonthly the daily records are bound in paper covers, with an index; and for permanent preservation a bound edition is published for each session, in volumes of convenient size.

**216. Does a member of Congress receive allowances for newspapers and postage?**

Except for a limited quantity of air mail stamps, neither senators nor representatives are reimbursed for nonofficial postage and newspapers. All official mail is franked. In the case of other mail, full postage rates apply. Senators and representatives must pay for long-distance telephone calls but, under certain restrictions, may frank telegrams on official business. Other telegrams are at full rate.

**217. Can a member of Congress transmit free of postage anything to foreign countries that he can transmit free of postage through the mails in the United States?**

Yes; to Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republica, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Newfoundland (including Labrador), Nicaragua, Panama, Paraguay, Peru, Salvador (El), Uruguay, and Venezuela. Likewise mail entitled to pass in the domestic mails in any of these countries free of postage is entitled to transmission free of postage to the United States. This privilege does not include air mail.

**218. Does Congressional authority extend to regulation of primary elections?**

For many years the term election, as used in the Constitution, was interpreted by the Supreme Court as applying only to the final general election. The famous Newberry Case (256 U.S. 232) in 1921 decided that Congress could not constitutionally undertake to regulate campaign expenditures at primaries. But this view has been changed and the present attitude (See *U. S. v. Classic*, 313 U.S. 299) is that where the primary is, under state law, an integral part of the procedure for choosing representatives in Congress, it is subject to regulations by Congress under the Constitution, Art. I, Sec. 4.

**219. Why are Congressmen elected in the state of Maine in September instead of November?**

The Constitution provides that unless Congress directs otherwise, the time of holding elections for senators and representatives "shall be prescribed in each state by the legislature thereof." During the early days of the Federal Government no law on the subject was passed. In 1845, Congress fixed the first Tuesday after the first Monday in November as the day for choosing presidential electors and that day is still national or general election day. The same day was designated for election of representatives, but an exception was made in the case of those states in whose constitutions a different day was specified. Accordingly, for many years, three states — Arkansas, Oregon, and Maine — elected their Congressional representatives earlier than November. Arkansas and Oregon later changed their constitutions to conform with the Act of 1845. Maine is the only state in the Union which continues to hold

these elections on a different day. Election day in Maine was placed in September during the early days of the Republic when traveling facilities were poor and when bad roads and cold weather frequently would have prevented the rural inhabitants from going to the polls late in the fall. All the states, including Maine, elect presidential electors on the first Tuesday after the first Monday in November.

**220. Was the election of Republican majorities in the House and Senate in November, 1946, during a Democratic administration unprecedented?**

President Truman was not the first chief executive to have the opposition party controlling Congress. The most recent parallel to this situation occurred in 1930, during President Hoover's administration, when the Democrats gained a majority in the House. Later, in 1932, the Democrats gained a majority in the Senate also.

**221. What is a "filibuster"?**

"Filibuster" meant originally a buccaneer such as the pirates who plundered the Spanish colonies in America, and later, adventurers who led private expeditions into countries with which the country from which they set out was at peace. From this general idea, the term has come to be colloquially used to designate organized obstructionist tactics in legislative bodies. It is the practice of deliberately taking advantage of freedom of debate with a view to delaying or preventing action on a measure under discussion.

**222. What filibustering tactics are possible in the House?**

Forcing roll calls is about the only method of filibustering left under the rules of the House, and when the Rules Committee brings in a drastic rule prohibiting the offering of amendments or considering the bill for more than a certain number of hours, even that method of filibustering is impossible.

**223. What method does the Senate have for meeting a filibuster?**

In 1917, the Senate adopted what is called a "cloture rule" as a part of the Senate rules. It provides that the Senate may end debate by a two-

thirds vote. When sixteen Senators file a petition asking to end debate, the Senate must vote on the petition at 1 P.M., the second calendar day thereafter. If two-thirds vote for cloture, then no senator may talk longer than one hour on the bill. So long as one-third of the Senate is opposed to cloture, it is impossible to end a filibuster if enough senators are willing to talk in relays.

**224. Whose is the longest continuous filibustering speech in the annals of Congress?**

The late Senator Huey Long of Louisiana, spoke continuously for fifteen hours, thirty-five minutes on June 12-13, 1935, to block extension of the National Recovery Act (NRA). Other senators have held the floor longer than did Long but have not spoken continuously. The elder Senator La Follette of Wisconsin held the floor for eighteen hours, twenty-three minutes in 1908, by means of various parliamentary maneuvers.

**225. Does a one-man filibuster mean that a single senator is speaking continuously?**

No. This is a point on which there is much confusion. A senator who obtains the floor does not lose it when he yields temporarily to a colleague asking a question or calling for a quorum. In fact, a filibusterer can avail himself of a number of technical parliamentary moves which are time-consuming and effective without his losing the floor. On many occasions a senator has held the floor for long periods without speaking continuously for more than a few hours. An outstanding example is Senator La Follette's previously mentioned filibuster, in which he spoke against the Aldrich-Vreeland currency bill. The most notable filibuster in the past decade is the six-day effort made by Senator Allen Ellender, of Louisiana, in 1938 against an anti-lynching bill. He was assisted by other senators but is credited with making a "one-man" filibuster.

**226. What is meant by the "seniority rule"?**

It is a rule whereby the majority member who has served longest on a committee becomes its chairman and otherwise acquires additional influence.

**227. How are the rules of procedure in Congress determined?**

The Constitution provides that each House may determine the rules of its proceedings.

The parliamentary practice of the House of Representatives emanates from four sources: first, the Constitution of the United States; second, Jefferson's *Manual*; third, the rules adopted by the House itself from the beginning of its existence; and fourth, the decisions of the Speakers of the House and decisions of the Chairmen of the Committee of the Whole.

Hinds' and Cannon's *Precedents* are used.

The Legislative Reorganization Act of 1946 changed the rules of the two Houses in certain important respects, subject to the constitutional right of either House to change them again at any time. The new rules were enacted "as an exercise of the rule-making power of the Senate and the House of Representatives respectively."

**228. What is a "gentlemen's agreement" in Congress?**

At many points procedure in the two Houses is governed not by printed rules but by oral agreements between individual members or the membership as a whole. Thus, when a member who wishes to object to a particular bill knows he cannot be present when the measure comes up, he may get another member to object on his behalf. Or the party leaders may agree not to take up controversial measures or business of any consequence before a certain date. Announcement of such agreement is made on the floor, and this agreement is normally binding on all members.

**229. Are petitions and remonstrances accepted by Congress?**

A petition is merely a prayer or appeal for legislative action. A remonstrance is a protest. Both may be presented to Congress.

**230. How are petitions handled?**

Because they frequently call for the enactment of new legislation, petitions are mentioned in the *Congressional Record* and then referred to appropriate committees. The right of petition is guaranteed by the Constitution's First Amendment.

**231. What business can be transacted by unanimous consent?**

Practically anything can be done in either House by unanimous consent — except where the Constitution or the rules specifically prohibit the presiding officer from entertaining such a request. For example, admission to the floor of persons not included in the rule on the subject; the introduction of persons in the galleries, and so forth. A majority of the bills are passed by unanimous consent. Sometimes a leader will ask unanimous consent to bring up for immediate consideration a certain bill. If any member objects it cannot be brought up in that way. However, the Rules Committee in the House can immediately present a special rule for the consideration of the bill and when a majority of the members of the House vote for the rule the bill is considered under the terms of that rule, which suspends all other rules.

**232. What constitutes a quorum of the House, for election of a president? Of the Senate, for election of a vice president?**

When either House is called on to elect a president or vice president a quorum means in the House, one or more members from two-thirds of the states, and in the Senate, two-thirds of the whole number of Senators.

**233. How does a Congressional caucus function?**

From time to time members of a party meet in executive session to discuss legislative strategy and to choose officers and leaders.

**234. How may a record vote be obtained in the House or Senate?**

"... the yeas and nays of the Members of either House on any question shall, at the desire of one-fifth of those present, be entered on the *Journal*."

In earlier practice of the House, it was held that less than a quorum might not order the yeas and nays, but the one-fifth rule has been uniformly observed for many years.

**235. In what circumstances are roll-call votes usually demanded in Congress?**

Roll calls are ordered sometimes to get a full vote on a measure, sometimes because of a lack of a quorum, sometimes because members want to be on record on a measure, and sometimes

# Congress of the United States,

begun and held at the City of New York, on'  
Wednesday, the fourth of March, one thousand seven hundred and eighty nine

THE

RESOLVED,

ARTICLES

After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand persons; but the number shall never exceed one hundred, after which the proportion shall be regulated by Congress, so that there shall be not less than one Representative for every forty thousand persons, and the number of Representatives shall never exceed one Representative for every fifty thousand persons.

Article the second: No person shall be a Representative who shall not have attained to the age of twenty five years, seven years, and seven days, and be seven years a citizen of the United States, and when elected shall have been seven years a citizen of the State in which he shall be elected.

Article the third: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article the fourth: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the seventh: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Article the eighth: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article the ninth: The enumeration in this Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Article the tenth: The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people.

ATTEST.

Frederick Douglass, Secretary of the House of Representatives  
John Adams, President of the United States, and President of the Senate

## The Bill of Rights

The popular name for the first ten amendments to the Constitution is "The Bill of Rights." These ten articles are the safeguards of American liberty.

to put the other side on record against the measure for possible political advantage. The roll calls are published in the *Congressional Record* and are sometimes quoted to a member's advantage or disadvantage, as the case may be.

Many bills of lesser importance and some of greater importance are passed without a roll call. This can be done if a quorum is present when the vote is taken and as many as one-fifth of those present do not demand a roll call. This is often done to save time. An automatic roll call may be had if a quorum does not vote on a question and no quorum is present.

**236. What is "pairing"?**

Pairing is a practice whereby two congressmen of opposing parties who plan to be absent agree that, during a specified period, they will refrain from voting in person, but will permit their names to be recorded on opposite sides of each question. It appeared in the House of Representatives as early as 1824. It was not officially recognized in the House rules until 1880; at present, pairs are announced by the clerk and published in the *Record*.

Pairing is also practiced and permitted in the Senate although not recognized by the rules.

**237. What is the difference between a "general pair" and a "live pair"?**

The "general pair" is an arrangement to take care of a definite period of time, and covering all measures coming to a vote within the period fixed. On a particular question, a member desiring to be absent may seek a "pair" with a member on the opposite side on this question. The man the absent member is "paired" with will not vote. The two votes would cancel each other anyhow, so it is a fair and convenient arrangement. This is called a "live pair."

**238. What is the first reading of a bill?**

Formerly a bill was first read by title at the time of introduction. Since 1890, the first reading is accomplished by the mere printing of the title in the *Congressional Record* and the *Journal*.

**239. When does a bill, introduced at the beginning of a Congress become "dead" and no longer open to consideration?**

A bill introduced at any time during a Congress is theoretically open to consideration until the close of that Congress, irrespective of sessions. Thus, a bill introduced in January, 1947, would, barring other considerations, be subject to action by the House until the moment of adjournment *sine die* of the Eightieth Congress.

**240. Why do most of the bills that become law carry the names of a comparatively few members of Congress?**

When a committee holds hearings on a bill, usually all the bills introduced by the members of the House on that subject are considered at the same time. In the House, a bill cannot bear the name of more than one member as the author. Therefore, it often happens that the same or a similar bill is introduced by a large number of members. When hearings have been completed and a bill has been agreed upon by the committee, a new bill is usually introduced, referred to as a "clean bill," in the name of the chairman of the committee and no reference is made to the other members who have introduced similar bills. When the bill has finally passed, it bears only the name of the chairman. Furthermore, all administration bills are introduced by administration leaders and these bills usually take precedence over all others. In the Senate, any number of members may join in the introduction of a bill. (For example, ninety-four senators joined in introducing S. 2067 in the Seventy-fifth Congress — which became the National Cancer Institute Act of August 5, 1937.) It has happened that the member of Congress responsible for the passage of a bill does not have his name connected with it in any way when it becomes law.

**241. What is the largest number of bills ever introduced in a single Congress?**

In the Sixty-first Congress (1909-11) 44,363 measures were introduced in both Houses. These were divided between Senate and House, and between bills and joint resolutions as follows:

Senate bills .....	10,906
Senate joint resolutions..	147
House bills .....	33,015
House joint resolutions .....	295



**242. How does the total of measures introduced in Congress compare with the number enacted?**

Taking the first 75 Congresses (150 years) 726,933 bills and joint resolutions were introduced in both Houses — 704,258 bills and 22,375 joint resolutions. Of this total only 60,142 were enacted, or slightly under eight and one-half per cent; 56,031 of this number were classified as “acts” and 4,111 as “joint resolutions.”

**243. What is meant by a “rider” on a Congressional bill?**

A “rider” is an extraneous provision incorporated in an appropriation bill, with the idea of its “riding” through to enactment on the merits of the main measure. The practice is very old; in 1837 a “rider” on the fortifications appropriations bill would have provided for the disposal of the surplus funds in the Treasury. Under the rules any item of appropriation in a general appropriation bill that is not authorized by existing law nor in furtherance of projects already in progress is subject to a point of order (this is often waived by a special rule in the House); and the same with any provision “changing existing law,” unless it is germane to the subject and designed to retrench expenditures (the so-called Holman rule). Occasionally a “rider” becomes law, without the point of order being raised.

An example of a legislative rider was contained in the appropriation rescission bill, which was vetoed by President Truman. The rider, which was not germane to the bill and wholly unrelated to its subject matter, provided that the United States Employment Service would be returned to the states in one hundred days.

President Truman, believing that this subject should receive separate consideration and was entitled to be passed upon by him separate and distinct from any other legislation, vetoed the entire bill to get rid of the rider.

**244. Are all the laws of the United States published in one book? If so, how may it be obtained?**

All the permanent laws of the United States, of general application, currently in force, are supposed to be included in the *Code of the*

*Laws of the United States of America*. The current edition includes laws enacted through 1940 (actually to January 3, 1941), and comprises three volumes of text and one of index and tables. After each regular session, a supplement is published, cumulating all laws enacted since the basic volumes. The *Code* and *Supplements* are published under supervision of the Committee on Revision of the Laws of the House of Representatives, printed at the Government Printing Office, and procurable from the Superintendent of Documents. The 1940 edition is long since exhausted; a new edition is in preparation, and it is hoped will be published during the coming year.

Presidential proclamations, Executive orders, and all documents of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any executive agency, in order to be valid, must be filed with the Division of the Federal Register of the National Archives and published in the *Federal Register*, which appears five times a week. Codifications of all such documents in force are published from time to time, and between editions of the code, annual and cumulative supplements are published. Current Presidential proclamations and Executive orders not published in the *Federal Register* are printed in limited quantities in slip form and distributed by the National Archives.

**245. What is the difference between a bill and an act?**

“Bill” is the technical designation of a measure introduced in either House, and until it has been passed by that House. At that point it is reprinted as an act, i.e., an act of one branch of the Legislature. The term “act” is, however, popularly used in referring to a measure which has been finally passed by both Houses and becomes law, whether by approval of the president or otherwise.

**246. When an act is divided into titles, does Title I necessarily become the first provision following the enacting clause?**

No. For example, in the Legislative Reorganization Act, the section called Title I is pre-

ceded by two pages of law. The numbering of parts of bills is left to the discretion of the draftsman, subject to laws requiring that "each section shall be numbered." Sections usually are numbered in arabic numerals. The first section is assumed to be Section 1, and actual numbering begins with Section 2.

**247. What is an enrolled bill?**

When a bill has passed both House and Senate, the second House to take action notifies the first that the measure has passed; the second House then causes the bill to be "enrolled" on parchment. When printed in this form there are no breaks or paragraphs in the flow of the language of the bill. The purpose of inscribing the bill solidly is to ensure insufficient space between paragraphs for forgery.

**248. What is an engrossed bill?**

A bill is engrossed when it is read in its entirety in Congress for the second time. According to Rule XXI, House of Representatives, "Bills and Joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: 'Shall the bill be engrossed and read a third time?', and, if decided in the affirmative, it shall be engrossed and read a third time by title, unless the reading in full is demanded by a member." A bill is not engrossed unless the measure is up for reading in full a second time. When the bill is engrossed the title is to be endorsed on the back of the bill, not within the measure.

**249. What power has a committee over a bill it is considering?**

The committee has full power over the bill and can change it, except as to title and subject.

**250. What is meant by a "request bill"?**

Sometimes a member will introduce a bill drawn by a private person or organization. In such case, the words "by request" are printed on the face of the bill and give notice that the member is serving as a channel, that the bill does not necessarily represent his own views. The name of the person asking for introduction is never printed.

**251. What is meant by a public bill (or law)?**

A bill dealing with classes is a public bill as distinguished from a private bill for the benefit of individuals. It is not always obvious whether a bill is public or private; for example, a bill for the benefit of individuals, but which included provisions of general legislation, was classed as a public bill. The question comes up chiefly in determining whether the bill should be referred to the Union or the Private Calendar — and whether the resulting law should be printed in Part 1 (Public Laws) or Part 2 (Private Laws) of the Statutes at Large.

**252. Does "public bill" (or law) include a joint resolution?**

The technical distinction is observed between "bill" and "joint resolution" through the course of passage; but when enacted measures are printed in the statutes at large, joint resolutions are run in with the enacted bills and given numbers as "Public Law — ." They are properly included in the general term "law."

**253. What is a deficiency bill?**

A deficiency bill is one carrying appropriations to supplement appropriations which have proved insufficient. Appropriations are normally made on the basis of estimates for a year but conditions may arise which exhaust the appropriation before July 1, when the new fiscal year begins.

**254. What is a separability clause in a bill or law?**

Basically a separability clause is an assertion that if any part of an act is held unconstitutional, only that particular part becomes invalid, not the entire act.

**255. What are some examples of laws containing separability clauses?**

Separability clauses appear in Section 1 (b) of the Legislative Reorganization Act and in the Taft-Hartley Act.

**256. Why was the separability clause introduced?**

Congress found that the Supreme Court, in challenging an Act on constitutionality grounds, would not split up the act on the Court's own initiative; instead, if part of the Act was unconstitutional, the entire measure would fall. In other words, the Court felt it should not undertake to interpret the intent of Congress and say what the Congress would have done without the particular provision in point.

**257. When did Congress adopt the practice of using the separability clause?**

Around 1913, legislators began inserting a clause expressing the "separable" provisions of acts. By this means the lawmakers expressed their intent that a part of a bill could be dropped if it was deemed unconstitutional by the Court, but the entire measure could not be held invalid on that ground.

**258. How does a committee make changes in a bill?**

The committee cannot erase, blot out, or mutilate an original bill in any way. To make changes the committee sets them down on a separate sheet of paper and notes whether insertions or omissions should be made.

**259. What are the chances of a bill becoming a law?**

The mathematical chances of enactment of a bill are, at best, one in ten.

**260. What was the first Federal-state financial bill?**

The Federal Highway Act of 1916 appropriated Federal aid, to be matched by the states in like amount, for the construction of rural post roads; this Act was the first Federal-state aid program of a nonmilitary character.

**261. How can a bill that has passed both Houses be recalled after it is sent to the president?**

When a bill has reached the president, it can be recalled only by a concurrent resolution by both Houses.

**262. What is the difference between a resolution and a bill?**

A resolution is distinguished from a bill by the omission of the enacting clause found in laws, and by substitution of the word "resolve" for "enact," which is used in bills.

**263. How many types of resolutions can Congress pass?**

There are three kinds of resolutions acted upon by Congress: A simple resolution, which is passed by one House only; a concurrent resolution, in which the same words are used by both Houses, independently of one another; and a joint resolution, which requires the action of both Houses.

**264. Is there any substantial difference between a joint resolution and an ordinary bill?**

Joint resolutions are the work of both Houses, and require the approval of the president (except in cases where it is used to submit proposed constitutional amendments for ratification) and have the force of law just as other legislation. In fact, they are numbered as Public Law No. — in the Statutes at Large.

**265. What is the status of a simple resolution?**

A simple resolution is simply the action of a single chamber upon a matter within its own jurisdiction. For example, such matters as expenditure of contingent funds, setting up special committees, expressing the sentiment of the House, are effected by simple resolutions of the one House.

**266. Is a concurrent resolution effective as a public law?**

A concurrent resolution requires the approval of both Houses, but not of the president unless it contains matters of legislation. It is not public law, but deals with matters over which the two Houses have concurrent jurisdiction.

**267. What is an expunging resolution?**

An expunging resolution is one used in Congress to erase or delete from the records of either House what is considered undesirable.

**268. What is the Legislative Reorganization Act of 1946?**

Public Law 601 of the Seventy-ninth Congress signed by President Truman August 2, 1946;

introduced by Senator Robert La Follette, and in the House sponsored by Representative Mike Monroney. The two Houses set up a joint committee to handle the measure. This committee held extensive hearings, listening to members, political scientists, efficiency engineers, and students of government. A year was spent in research before the bill was reported in the Senate.

**269. What are the main features of the Legislative Reorganization Act?**

The Act includes a variety of provisions; some of which at first sight seem far removed from "reorganization of Congress," but which actually are designed to facilitate Congressional business. In addition to an amendment of the Rules of House and Senate (Title I) and miscellaneous provisions in Title II, the Act includes a Regulation of Lobbying Act (Title III); a Federal Tort Claims Act (Title IV); a General Bridge Act (Title V) and a Title VI dealing with pay and retirement of members.

**270. During the Seventy-ninth Congress the Joint Committee on Organization worked on reorganization of the Legislative Branch. What was the Committee's Number 1 problem?**

The chief problem was the reorganization of the committee structure in the House and Senate. There were thirty-nine standing committees in the Senate and forty-eight in the House.

**271. Why did the multiplicity of committees and their structure constitute an organizational problem?**

The Joint Committee on Organization reported that "loyalties to these present Committees, certain prerequisites of membership upon them, and a desire to maintain these traditional rights" made the system a prime problem in any attempt to "modernize and strengthen" the Congress.

**272. What recommendations were made in the Seventy-ninth Congress concerning relations between Congress and other branches of government?**

The Joint Committee recommended improvement in the relationship of Congress and the Executive Department.

**273. What change does the Legislative Reorganization Act make in having bills reported out of committee?**

The La Follette-Monroney Reorganization Act makes it the "duty" of every standing Committee chairman to "report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote." Moreover, no bill shall be reported out "unless a majority of the committee were actually present" when such action was taken.

**274. How many joint standing committees now function in Congress?**

Six: on Atomic Energy, the Economic Report, Internal Revenue Taxation, the Library of Congress, Printing, and Reduction of Nonessential Federal Expenditures.

**275. How were these committees affected by the Reorganization Act?**

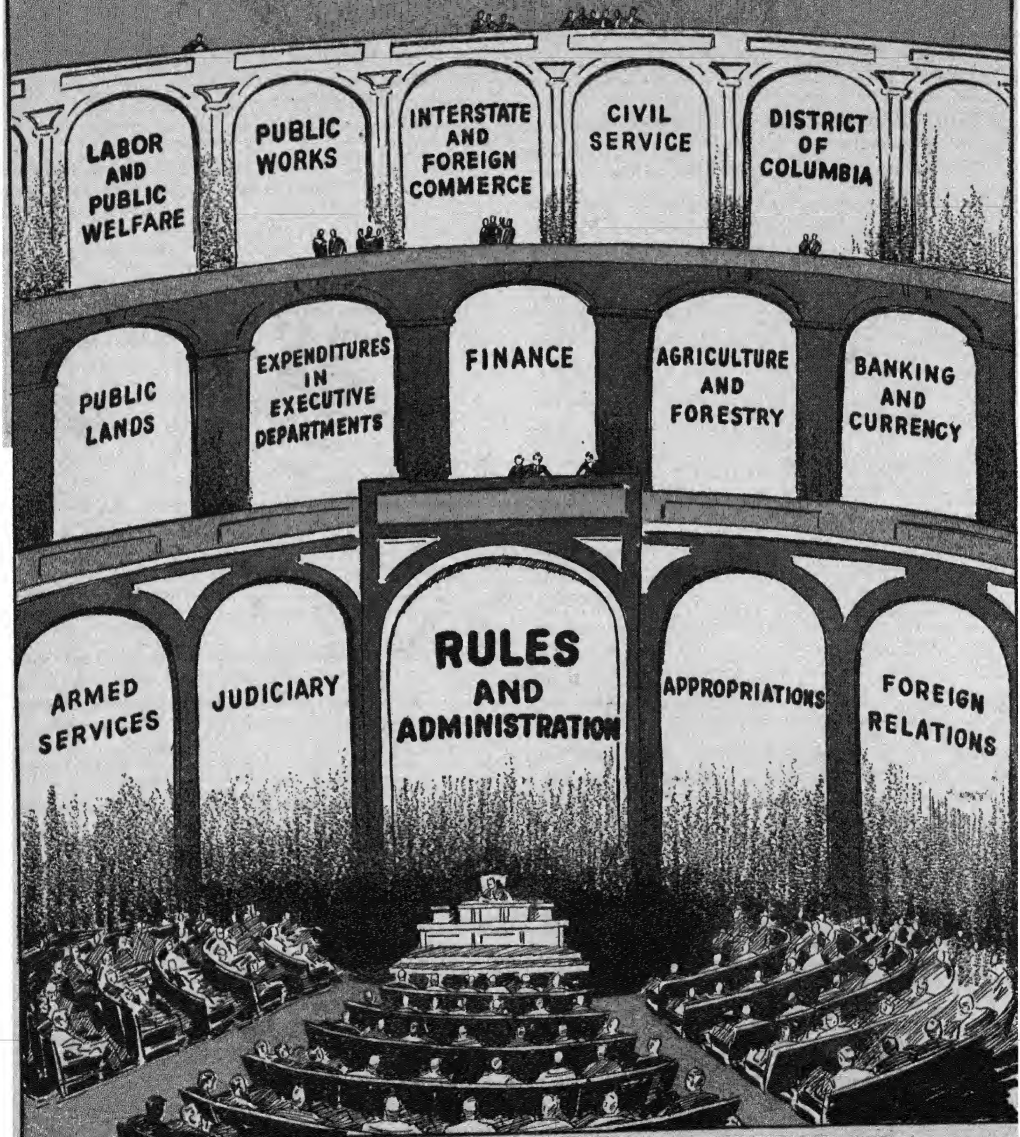
The Reorganization Act made a few changes in the six joint committees of the Congress. The Joint Committee on Printing membership was restated to include the chairman and two members of the Senate Committee on Rules and Administration and the chairman and two members of the House Committee on Administration; the Joint Committee on the Library was similarly affected in that its membership now includes the chairman and four members of these same committees.

**276. To what extent has Congress now delegated details formerly taking up much of its time?**

The Legislative Reorganization Act prohibits private bills in three general categories — making other provisions for handling the subject matter as follows:

1. Correction of military records.  
This is now to be handled by civilian boards in the respective departments.
2. Money claims for damages caused by a government agency. Provision is made for payment by the heads of the departments or for suit in Federal court.

# STANDING COMMITTEES OF THE UNITED STATES SENATE



3. Requests for construction of bridges over navigable waters. Congress has given its consent in advance to such construction—conditioned upon approval by the Secretary of War and Chief of Engineers.

**277. What services are officially available to members to assist them in the performance of their legislative duties?**

The Legislative Reference Service and the Offices of the Legislative Counsel. The Legislative Reference Service (located in the Library of Congress) is equipped primarily for research, the Legislative Counsel for bill drafting. The Director of the Legislative Reference Service and his staff are appointed by the Librarian of Congress; the Legislative Counsel (one for each House) by the President of the Senate and the Speaker, respectively. Each Counsel appoints his own staff.

Under the Legislative Reorganization Act, each committee of House and Senate is entitled to a staff of four professional research assistants, appointed by majority vote of the committee, and assigned to the chairman and ranking minority member as the committee may determine. Authorized salaries range from \$5,000 to \$8,000.

**278. Is the Legislative Reference Service a creation of the Legislative Reorganization Act?**

Technically, the Reorganization Act establishes the Service on a permanent basis. Actually, however, the Legislative Reference Service has been functioning since 1915 on year-to-year appropriations. The scope and purpose of the Service remain fundamentally the same; however, more emphasis is now laid on service to committees. Specialists in the various fields of interest to Congress are specifically provided for special work with the appropriate committees.

**279. What provisions were made in the Legislative Reorganization Act as to salaries of officers of the two Houses of Congress?**

The basic pay of Congressional officers, other than presiding officials, was raised.

**280. What disposition is made of records of Congress since the enactment of the Legislative Reorganization Act?**

All noncurrent records are collected at the close of each Congress by the secretary of the Senate and clerk of the House, acting jointly, and transferred to the National Archives for preservation. Previously they were, in the case of the House, kept in the Library of Congress.

**281. Are all or most bills which are introduced in Congress written by the members themselves?**

More than half the bills introduced originate in the Federal departments and bureaus and are later revised in committee in accord with Congressional views, according to a report by the Joint Committee on Organization of Congress on March 4, 1946.

**282. What sources other than Federal departments and agencies produce bills introduced in Congress?**

The Joint Committee on Organization reported in 1946 that "it is well known the formulation of legislation is no longer exclusively a Congressional concern." The Committee pointed out that private organizations and individual constituents were responsible in some degree for a number of bills which congressmen introduced.

**283. What recommendations did the Joint Committee on Organization make as to the reorganization of procedures for formulating and introducing legislation?**

The Committee felt that Congress should play a larger part in preparing legislation. Accordingly, the Legislative Reorganization Act provides substantial increases for the offices of legislative counsel.

**284. What effect does the Legislative Reorganization Act have on the practice of assigning employees from Federal agencies to committee service?**

The Legislative Reorganization Act does not permit Congressional committees to borrow employees from Executive agencies except with the written permission of the Senate Committee on Rules and Administration or the House Committee on House Administration, as the case may be.

**285. What personnel does the Legislative Reorganization Act permit a standing committee to have?**

Every standing committee is entitled to a staff of four professional employees, and a clerical staff of six individuals.

**286. What are the salary scales for employees of Congressional committees?**

For professional personnel, salaries range from \$5,000 to \$8,000 per year; for clerical personnel, \$2,000 to \$8,000.

**287. In what sense does the Legislative Reorganization Act modify the meaning of the Budget, in the Federal sense?**

There is a so-called Legislative Budget, prepared at the beginning of every regular session of Congress by four committees (Appropriations and Finance Committees of the Senate and the Ways and Means and Appropriations Committees of the House) in a joint conference.

The Legislative Budget fixes an over-all maximum of appropriations for the support of Government during the next fiscal year, in accordance with the Legislative Reorganization Act.

**288. On what basis is the Legislative Budget worked out?**

The joint committees planning the Legislative Budget receive a Presidential Budget from the White House, which submits proposals and recommendations to Congress concerning appropriations for the next fiscal year. The President's Budget is a breakdown of the needs of the several Executive departments and other agencies needing appropriations.

**289. How did Congress handle the President's Budget prior to enactment of the Legislative Reorganization Act?**

The President's Budget used to be considered independently by the two Houses of Congress. First the president's breakdown of requested appropriations to specific departments, bureaus, and agencies would be sent to subcommittees, then to full appropriations committees, and then to the House of Representatives and the Senate.

**290. Are committee hearings open to the public?**

All hearings of committees, or subcommittees of either House, are open, except executive sessions for marking up a bill, for voting, or when by majority vote the committee orders an executive session in a particular case.

**291. Do the Congressional committees hold hearings on all bills referred to them?**

It is the view of many chairmen of committees that any member who insists on a hearing on any bill should have it. But there may be several bills almost identical or similar in substance. In such cases hearings frequently are on a group of related measures, or a hearing held on one bill serves for all. It is not always possible for a member to have a hearing on his bill before a committee.

**292. Does the Congressional committee to which a bill is referred effectively control its disposition?**

Ordinarily the action of a committee in failing to report a measure spells its defeat in either House. However, the House rules provide machinery by which a public bill may be taken out of committee, if held longer than thirty days. A petition, signed by a majority of the membership (218 members), to discharge a committee from further consideration of the bill, will be placed on a special calendar and may be called up by any of the signers on the second or fourth Monday of any month. Only twenty minutes' debate is allowed on the motion; if it prevails, then the House further votes to consider the bill. It is then considered under the general rules.

This special procedure is resorted to very infrequently, and usually on measures of a controversial character. This is the House machinery for forcing consideration of measures which may be "buried" in committee.

**293. Are committee records and files open to public inspection?**

They are the property of Congress, and are accessible to any member of either House.

**294. Why are Congressional standing committees necessary?**

Standing committees were established as early as 1803: before that, bills were discussed in Committee of the Whole, and then referred to a select committee for drafting. The development of standing committees of small membership (the largest in the House, Appropriations, has only forty-three members) was a practical necessity to insure a preliminary check on the flood of bills introduced. Committee procedure, with its witnesses and cross-examination, offers a much more satisfactory method of reaching the real merits of a measure and presenting it in workable form than the necessarily limited consideration on the floor by a (possible) membership of 435.

**295. How are the members of the standing committees selected?**

The Republicans in the House have a "Committee on Committees" to recommend Republican members, while the Democrats nominate their members at a party caucus. The proportion of Republicans to Democrats is fixed by the party in the majority for the time being. The House then, by strict party vote, adopts the slate presented by the two parties. A similar method is used in the Senate.

**296. What is a conference committee?**

From very earliest days, differences of opinion between the two Houses have been committed to conference committees, to work out a settlement. The most usual case is that in which a bill passes one House with amendments unacceptable to the other. In such case, the House which disagrees to the amendment generally asks a conference, and the Speaker (and vice president for the Senate) appoints the "managers," as the members are called. Usually, five or seven managers are appointed from each House, representing both majority and minority opinion on the question at issue. Generally, they are selected from the committee which has charge of the bill. The committee attempts to smooth out the points in disagreement, and if it reaches complete agreement, an identical report is made to each House, which must be accepted or rejected as a whole. If accepted by both Houses, the bill is then signed and sent to the president; if rejected, the other House is notified of the action and the bill usually is sent back to conference.

The conference committee, however, may not reach complete accord, in which case it so reports and the bill is usually recommitted with instructions on the points still in controversy. Unless all differences are finally adjusted, the bill fails.

**297. May a member of Congress in committee alter his vote?**

No. Once he casts his vote and it is recorded and announced in committee, he may not change except by unanimous consent.

**298. What is a select committee?**

A select committee is one established by the House or Senate for a limited period and generally for a strictly temporary purpose. When that function has been carried out the select committee automatically expires. A standing committee, on the other hand, is a regular, permanent unit in Congress.

**299. How are joint committees established?**

By a number of methods: by statute, joint or concurrent resolution, or by simple and separate resolutions.

**300. How were the present joint committees established?**

All were established by statute, the oldest being the statutes creating the Joint Committee on the Library, dating from 1800. The latest is the Joint Committee on Atomic Energy, established in accordance with the McMahon Act in 1946. (Public Law 585, Seventy-ninth Congress).

**301. Does the Legislative Reorganization Act provide for joint meetings of Senate and House committees?**

Yes, but a majority party senator may serve on as many as three committees. A representative has slightly less scope.

**302. Are senators restricted as to the number of committees on which they may hold membership?**

Yes, but a majority party senator may serve on as many as three committees. A representative has slightly less scope.



**303. Does the Legislative Reorganization Act, as enacted, embody all the recommendations originally drafted by the Joint Committee on Organization?**

No. The bill was altered considerably before being passed by the House.

**304. What far-reaching recommendations by the Joint Committee on Organization were eliminated by Congress in changing the Legislative Reorganization Bill?**

The Joint Committee on Organization originally recommended, among other things, a joint Legislative-Executive Council; the establishment of a Congressional Personnel Office and a stenographic pool; an administrative assistant for every member of Congress; and the creation of a formal policy committee. The Senate subsequently acquired authority for its members to employ administrative assistants.

**305. In what manner could the two Houses of Congress formerly evade the spirit of the rules in the matter of adjusting matters in disagreement between them?**

Frequently, one House would adopt an amendment to a pending bill, the amendment being in the nature of a substitute. Disagreement on this substitute, no matter how minor the matter might be, brought the entire question technically before the conferees of both Houses. They would then be enabled to make a complete revision of the amendment, even of points in the bill which were not in actual disagreement.

**306. What rules regulate the form and drafting of legislation?**

A few Acts of Congress prescribe rules governing the form of bills. For example, the law prescribes the form of the enacting or resolving clause; prohibits the use of the enacting clause in any but the first section of a law; and requires that each section "shall contain, as nearly as may be, a single proposition of enactment."

**307. Who supplies the side notes to Acts of Congress when they are printed in the Statutes at Large? Are these notes part of the law?**

Side notes are supplied by the Editor of

the Laws in the State Department simply for the convenience of the reader, and have no legal status. One part of the "marginal references" is prescribed by law, viz., the indication in brackets of the number of the bill or joint resolution which became the law in question.

**308. What is meant by an improperly referred bill?**

The Legislative Reorganization Act specifies the committee to which bills on particular subjects shall be assigned. If a bill goes to a "wrong" committee, it has been improperly referred.

**309. What is the result of permitting an improperly referred bill to be acted upon by the "wrong" committee?**

An erroneously referred bill, if a public bill, comes within the jurisdiction of the wrong committee when the improper reference is not corrected. In the case of a private bill, the wrong committee does not acquire jurisdiction. A point of order can be made against the committee's jurisdiction, unless the private bill was improperly referred to that committee by the House itself.

**310. Why is the General Bridge Act an appropriate part of the Legislative Reorganization Act?**

As an incident to its Constitutional power to regulate commerce, Congress has jurisdiction over all navigable waters of the United States. It may therefore control the construction of all bridges over such waters, as possible obstructions to navigation. In the past this has meant that the time of Congress has been taken up by discussion and action on separate bills, every time a bridge was projected. Under the new act, Congress gives its approval once and for all in advance — conditioned on the bridge in each case being approved by the Secretary of War and Chief of Engineers. A toll bridge must also be approved by the proper state department.

**311. Under what circumstances do the Houses appoint managers?**

When there is a difference between the two Houses the legislative matters in disagree-

ment must be adjusted and for that purpose "managers" are appointed for each House.

**312. How does the Legislative Reorganization Act meet the problem of conference reports, when an amendment in the nature of a substitute is referred to conference?**

The Legislative Reorganization Act authorizes conferees to report a substitute: "They may not include in the report matter not committed to them by either House," but they may include "matter which is a germane modification of subjects in disagreement."

**313. What is the purpose of "authorization" of appropriations?**

Authorization of appropriations makes the various financial programs of the Government a matter of law not subject to a point of order; but the actual execution of the authorization of funds is left to the further discretion of Congress, which can integrate all expenditures for the fiscal year.

**314. What innovation in the *Congressional Record* was brought about by the Legislative Reorganization Act?**

The *Record* now publishes a brief resumé of the Congressional activities of the previous day, as well as a future legislative program and a list of scheduled committee hearings. These features have been part of the *Congressional Record* since the opening session of the Eightieth Congress.

**315. What responsibility does the Legislative Reorganization Act assign to the Comptroller General?**

The Legislative Reorganization Act requires the Comptroller General to make an "expenditure analysis" of each executive agency, and to report "from time to time" to the interested committees of each House (Appropriations, Expenditures in Executive Agencies, and legislative committees having jurisdiction in the case in question.)

**316. What are the salaries of representatives and senators?**

Beginning with the Eightieth Congress, each member of Congress receives a salary of

\$12,500 a year, plus an expense allowance of \$2,500 deductible for income tax purposes, if used for the purposes stated in the act covering this matter.

**317. Do members pay income tax on their salaries?**

Their salaries are subject to the usual income tax; campaign expenses are not deductible in figuring income tax.

**318. Who fixes the compensation of elected officers of the House of Representatives and the Senate?**

These salaries are fixed by law, although as a matter of principle it has been decided that "each House shall be intrusted by the other to regulate the number and pay of its own employees."

**319. Are members of Congress entitled to retirement on annuity?**

The Legislative Reorganization Act of 1946, approved August 2, 1946, extended the terms of the Civil Service Retirement Act to members of Congress. In order to participate a member must, within six months after the date on which he takes the oath of office, elect to become a member of the system, by giving notice of such election to his disbursing officer. This system is applicable generally to all Federal employees.

**320. Are members of Congress who elect to participate in retirement required to contribute toward their annuities?**

For service subsequent to August 1, 1946, 6 per cent of the member's base pay is deducted from his salary each pay period. The rates of contribution for Congressional service prior to August, 1946, are somewhat lower.

**321. How long must a member serve to be eligible for annuity on retirement?**

In order to be entitled to any annuity benefits on the basis of age and service, a member of Congress must complete at least six years of Congressional service. If he is 62 years of age or over when he leaves office, his annuity will begin on the first day of the month following the month in which his service terminates. If a member's

service terminates prior to his attaining age 62, his annuity will become effective on the first day of the month following the month in which he attains age 62. Should a member of Congress become totally disabled for useful and efficient service as such member after completing 5 years of Congressional service, he would be entitled to draw annuity beginning the first day of the month following the termination of salary, irrespective of his age at that time.

**322. How much annuity does a member of Congress receive on retirement?**

The amount of annuity is determined by multiplying  $2\frac{1}{2}$  per cent of the average salary received as a member of Congress by the number of years of Congressional service.

**323. What is the maximum annuity a member of Congress may receive?**

The maximum is 75 per cent of the last salary.

**324. What benefit does a member of Congress receive if he completes less than six years service?**

Unless eligible for disability retirement, he receives a refund of the contributions made by him with 4 per cent interest compounded annually.

**325. Are any benefits payable in case of death before retirement.**

If a member of Congress dies while in service, the total amount that he has contributed, together with interest at 4 per cent compounded annually, will be paid to his beneficiary, administrator or executor of his estate, or next of kin, in the order named. Should death occur following separation after having served at least 6 years but before attaining the age of 62, the amount to his credit in the retirement fund together with interest (4 per cent during active service and 3 per cent during separation) compounded annually, will be paid to his beneficiary, administrator or executor, or the next of kin, in the order named.

**326. Do Congressional pensions give legislators special consideration among Federal employees?**

There is no discrimination, the Congress-

sional plan being patterned after that of the Civil Service Commission. The executive and the judicial branches participate in annuities on a voluntary basis, as do members of Congress. All Federal employees, including political appointees may benefit from retirement plans. The Federal Judiciary receives full pay on retirement and is not required to contribute to annuities in the form of pay deductions. Military and naval officers do not contribute, either, but receive seventy-five per cent of their full base pay after meeting length of service requirements.

**327. What Congressional unit specializes in the study of taxation and the preparation of tax bills?**

The Joint Committee on Internal Revenue Taxation.

**328. What is the specific difference between a direct and an indirect tax?**

A direct tax is one levied directly, such as a tax on property because of its ownership. An indirect tax is a levy which can be shifted or hidden, such as an excise tax imposed on a manufacturer and passed on by him to jobbers, retailers, and consumers. The ultimate consumer pays the tax in the form of higher prices.

**329. Is the collection of taxes by distress and seizure a violation of the due process clause of the Constitution?**

No. A person is not deprived of liberty or property without due process of law when taxes are collected by distress and seizure. The person has recourse to the courts to regain his property.

**330. What are duties, imposts, and excise taxes?**

Duties and imposts are virtually identical terms; both may be defined as taxes levied on articles imported into the United States. Excise taxes are imposed upon manufacturers or upon consumption or retail sales, as in the case of tobacco, gasoline, and liquor.

**331. Is a retroactive tax legal?**

A retroactive tax is valid and has been imposed by Congress in the past.

**332. What is meant by double taxation?**

Double taxation is overlapping or multiple taxation, resulting from levies imposed on the same property by different taxing agencies. There is nothing in the Federal Constitution prohibiting such taxation. Therefore there is no objection to multiple taxation, constitutionally. However, many state constitutions and laws prohibit double taxation of the same property by a single taxing power.

**333. What is a "death tax"?**

An inheritance tax is recognized as a tax on death because the levy becomes payable on the death of an individual by his beneficiaries. The annual revenue from inheritance taxes is equivalent to the original cost of the Panama Canal.

**334. What was the first protective tariff enacted by Congress?**

The second Act of Congress was the first protective tariff enacted by Congress. It was signed by President Washington on July 4, 1789. The Act enabled the Government to impose duties on a selected list of commodities received from abroad.

**335. What was the first Act of Congress?**

The first measure ever passed by Congress was a bill regulating the time and manner of administering the oaths of office required by the Constitution, Art. VI.

**336. What is the difference between an express and an implied power of Congress?**

The Constitution specifically enumerates many powers which are granted to Congress, such as the raising of armies, coining of money, etc. In addition to these *express* powers are *implied* or *incidental* powers, including the right to set up the legislative machinery by which express powers can be carried out.

**337. What is an exemption law?**

Certain laws are in force providing classes of citizens with freedom from duties, penalties, or liabilities. During the war, for example, skilled persons in certain essential industries were deferred from military service. Under Sec. 101 of the Internal Revenue Code, organizations which

devote the profit from their business activities to charitable, religious, scientific, and/or educational activities are exempt from payment of Federal income taxes.

**338. To what extent does Congress foster and appropriate for education?**

While education is primarily a matter of local responsibility, Congress has found many ways to express its interest and support. Beginning with the Morrill Act of 1862, Congress has developed a system of Federal aid which includes assistance to state colleges of agriculture and the mechanic arts, agricultural extension work, vocational education and rehabilitation, and state nautical schools. The Morrill Act originally supplied Federal assistance in the form of grants of the public lands; later acts put Federal aid on a money basis.

**339. How many times has Congress declared War?**

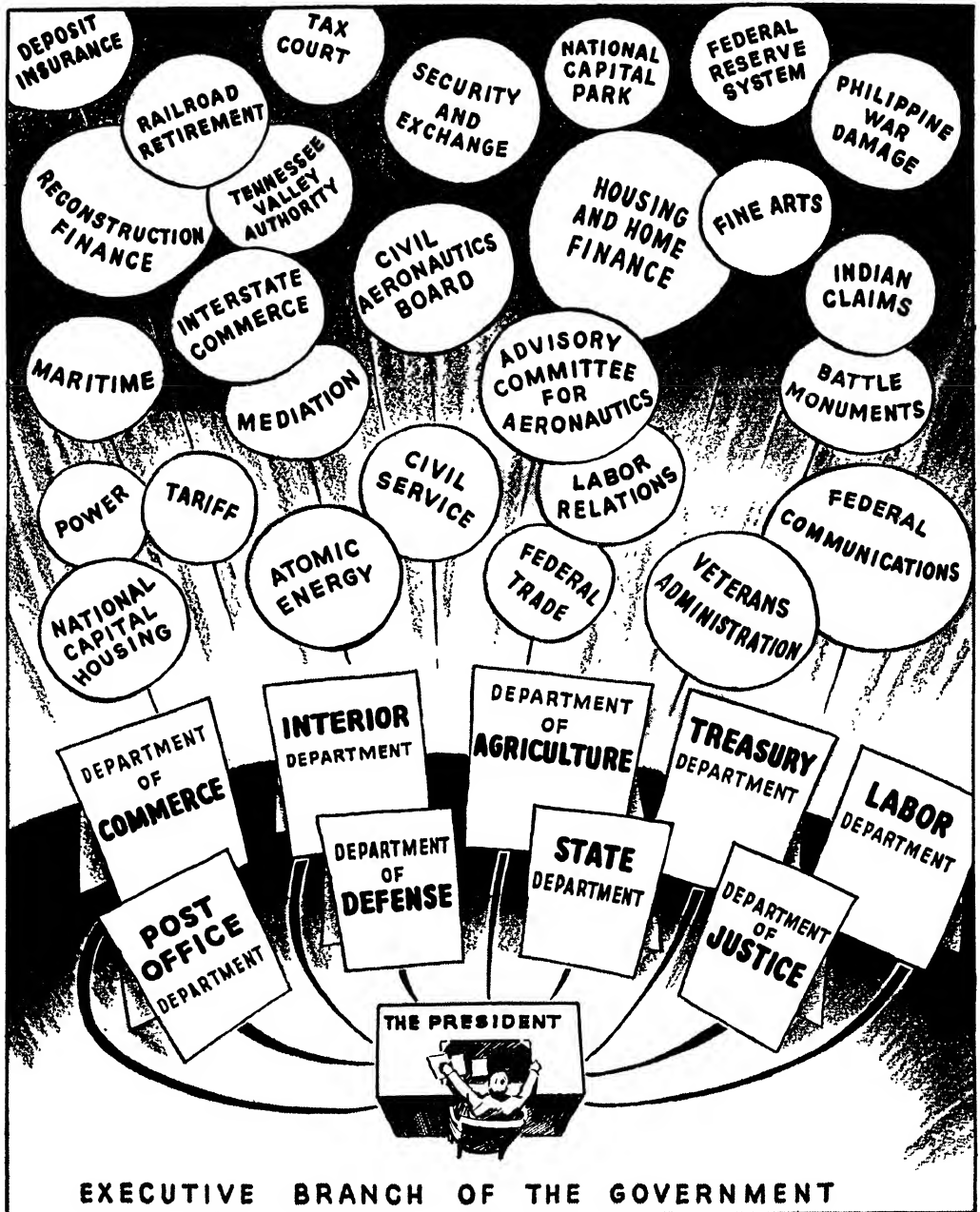
Only eleven times has Congress passed acts which can be considered as declarations of war, as follows:

1. War of June 18, 1812.
2. Mexican War, May 13, 1846.
3. Spanish-American War, April 25, 1898.
4. War with Germany, April 6, 1917.
5. War with Austria, December 7, 1917.
6. War with Japan, December 8, 1941.
7. War with Germany, December 11, 1941.
8. War with Italy, December 11, 1941.
9. War with Bulgaria, June 5, 1942.
10. War with Hungary, June 5, 1942.
11. War with Rumania, June 5, 1942.

The acts do not say outright, "War is hereby declared . . ."; they usually declare the existence of war or of a state of war. In the case of the first war with Germany the resolution read that "the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States, is hereby formally declared."

War was never formally declared against Tripoli in 1802, the Confederate States in 1861, nor against the various Indian tribes with whom there was war from time to time as late as 1890.

**340. Do we have a legal definition of what constitutes war?**



**EXECUTIVE BRANCH OF THE GOVERNMENT**

The Seventeenth, adopted May 31, 1913.

**349. Do senators now represent populations?**

No. Nevada, with 110,000 residents, has equal Senate representation with New York State which has 13,000,000 residents.

**350. Have United States senators always been elected by the people?**

Senators were originally elected by the state legislatures (Constitution, Art. I, Sec. 3). Direct election by the people, provided by the Seventeenth Amendment, became effective as to senators elected after April 8, 1913.

**351. Why does the flag remain over the Senate practically all the time during a session of Congress even when the Senate is not actually in session?**

The Senate remains on the same legislative day much of the time, and recesses from day to day instead of adjourning. The flag is removed only when the Senate has actually adjourned — not recessed.

**352. Do senators have individual seats assigned them?**

Yes. The individual seats are numbered and assigned on request of senators in order of their seniority. Democrats occupy the west side of the chamber — on the vice president's right; Republicans sit across the main aisle to his left.

**353. Who was the first woman to serve in the Senate?**

Mrs. Rebecca Felton was appointed by the governor of Georgia to serve in place of Senator Thomas E. Watson, deceased. Senator George, elected November 7, 1922, to fill out the term, refrained from presenting his credentials until November 22, allowing Mrs. Felton to participate in the sessions of the Senate on November 21 and 22.

The first woman elected to the Senate was Mrs. Hattie Caraway, of Arkansas, elected January 12, 1932.

**354. Who was the first Negro to serve in the Senate?**

Hiram A. Revels of Mississippi. He took his seat February 25, 1870, and served until May

4, 1871. Another Negro senator was Blanche K. Bruce of Mississippi, who served from 1875 to 1881.

**355. Does the term "senior senator" apply to age or service?**

The word "senior" or "junior" as applied to senators refers to their service, and not to their ages. A "senior senator" may be much younger in years than the "junior senator." A senator must have served continuously to be entitled to the senior rank, which also carries a little more prestige with the Senate body and the administration.

**356. How many senators have become presidents?**

Thirteen. James Monroe, John Quincy Adams, Martin Van Buren, Andrew Jackson, Andrew Johnson, William Henry Harrison, Benjamin Harrison, John Tyler, Franklin Pierce, James Buchanan, James A. Garfield, Warren G. Harding and Harry S. Truman. Garfield was elected to the Senate but never took his seat.

**357. Has a vice president of the United States ever been elected by the Senate?**

One such instance is on record — that of Richard M. Johnson of Kentucky. In the 1836 election, Johnson received 147 electoral votes; Granger, 77; Tyler, 47; and Smith, 23. Johnson's total equalled that of the combined votes for the other three, but he lacked a majority. The Constitution provides that in such instances the Senate must choose between the two highest candidates whenever any fails to obtain a majority of all electoral votes. The Senate elected Johnson.

**358. Who presides in the Senate?**

The vice president of the United States. He is referred to in the Senate as "Mr. President," because his title in that body is "President of the Senate."

In the absence of the vice president the Senate elects a President pro tempore, who holds that office during the pleasure of the Senate and presides during future absences of the president until the Senate otherwise orders.

**359. What salary does the President of the Senate receive?**

\$20,000 per annum. This applies either to the vice president of the United States, who is President of the Senate, ex-officio; or to the President pro tempore of the Senate, who serves in case there is no Federal vice president. The President pro tempore does not have all the functions of the vice president but participates in Senate debates and votes. The vice president of the United States may not vote in the Senate except in the event of a tie.

**360. What is meant by senatorial courtesy?**

"Courtesy of the Senate" is a time-honored custom commonly observed by the United States Senate when considering presidential nominations to Federal offices. If, for example, the person nominated to be collector of customs at San Francisco is objected to by one or both of the California senators, the Senate will generally, although not invariably, refuse to confirm the appointment as a matter of course, provided the objecting senator belongs to the same political party or party faction as the president. If both senators are party colleagues and one favors while the other opposes confirmation, the preference of the senior senator is likely to prevail.

"One specialized form of senatorial courtesy is seen in the almost unbroken tradition that the nomination of a senator or of a former member of the Senate will be confirmed at once, without even being referred to a committee."

**361. Do senators receive identical allowances for secretarial and clerical assistance?**

Allowances vary according to the population of the states. Senators from large states like New York, Pennsylvania, Texas, and California may employ more personnel than senators from smaller states. Allowances are based on population, because senators with the largest number of constituents need more help with correspondence and other duties.

**362. How is the allowance for office assistance determined?**

Senators from states having more than 3,000,000 residents are entitled to employ an extra clerk. In addition, chairmen of senatorial committees and ranking minority committee members

are entitled to additional clerical help for committee duties.

**363. How does a senator introduce a bill?**

When a senator rises to introduce a bill, he says, "Mr. President," and waits for the vice president to recognize him. The vice president recognizes the senator by looking at him and saying: "The Senator from . . .", naming the state from which the senator comes.

Then the senator states that he desires to introduce a bill.

A senator often introduces several bills at the same time by saying that he desires to introduce sundry bills and have them referred to the proper committees. A senator may introduce a bill at any time by obtaining unanimous consent for that purpose.

**364. How does a member of the Senate obtain recognition to speak?**

When a senator desires to speak, he shall rise and address the presiding officer and shall not proceed until he is recognized, and the presiding officer shall recognize the senator who shall first address him.

**365. Is there any limitation on debate in the Senate?**

The only limitation on debate in the Senate, except such as may be imposed by unanimous consent, is that provided by the cloture rule. (See Question and Answer No. 223.)

**366. What are the standing committees of the Senate?**

Beginning with the Eightieth Congress the standing committees are as follows (the numbers in parentheses indicate number of committee members): Agriculture and Forestry (13); Appropriations (21); Armed Services (13); Banking and Currency (13); Civil Service (13); District of Columbia (13); Expenditures in the Executive Departments (13); Finance (13); Foreign Relations (13); Interstate and Foreign Commerce (13); Judiciary (13); Labor and Public Welfare (13); Public Lands (13); Public Works (13); Rules and Administration (13).

This is a reduction from 33 to 15, effected by the Legislative Reorganization Act.

**367. What constitutes a quorum of a standing committee of the Senate?**

Each Senate committee is authorized to establish a quorum — not less in any case than one-third the membership of the committee.

## THE HOUSE

**368. Who defines the Congressional Districts—the United States or the states?**

Congress fixes the size of the House of Representatives, and the procedure for apportioning this number among the states, but the states themselves carry on from there. In the early years of the Republic most states elected all their representatives at large. Congress later required that representatives should be elected from "districts composed of a contiguous and compact territory" but there is no longer even this recommendation in the Federal law. The actual redistricting has always been provided by state law.

**369. What is a congressman "at large"?**

When a new apportionment following a decennial census shows that a state is entitled to additional representation, unless that state redistricts, the additional representatives are elected at large — i.e., they do not represent any particular district. Conversely if a state loses representation, there must be a redistricting or all the members would have to be elected at large. For example, in the 1932 election, Virginia, Kentucky, Missouri, and Minnesota which had lost representatives under the census of 1930, elected all their members in bloc.

**370. Do all Congressional Districts have approximately the same population?**

Theoretically they should have; and the law formerly required that they should contain "as nearly as practicable an equal number of inhabitants." In practice, however, districts vary a great deal; for an exceptional case as an example, according to 1940 Census, the present Fifth District of Illinois has a population of 112,116 while the Seventh District of Illinois has 914,053. Some variation is of course to be expected from the fact that district lines usually follow county or town lines, so that population cannot be divided with exactness.

**371. What is the population of the average Congressional District?**

Under the original constitutional apportionment there were 65 representatives for the 13 states, which then had a total population of around 4,000,000 — an average of approximately 60,450. By 1910 the size of the average district had risen to 194,182; in 1930 to 279,712; and under the 1940 census it is approximately 304,000. The membership of the House is 435.

**372. What is the size of the House of Representatives and how is it fixed?**

By the Constitution, each state is entitled to at least one representative and all beyond this minimum number are apportioned among the states according to population. For the first Congress, i.e., before the taking of the first census, the Constitution itself fixed the number for each state — and therefore the size of the House. Beyond that, however, the only constitutional limitation is that the number must not exceed one representative to each 30,000 of population, and within this limit, Congress has the say as to size of the House. With the great increase in population, and consequent number of representatives, there have been frequent demands for a smaller House, but to date the trend has been all the other way. Under the law now in force, the membership is fixed at 435 indefinitely.

**373. What is the procedure for apportionment of representatives?**

For many years the actual apportionment was calculated according to the method of "major fractions" but under act of November 15, 1941, Congress adopted the method of "equal proportions." Briefly this method takes the fixed size (currently 435) and after assigning one seat to each state as required by the Constitution allots the remaining 387 on the basis of a priority list obtained by dividing the population of each state



by the geometric means of successive numbers of representatives. This sounds like a rather complicated mathematical operation — but the simple purpose is to make the present difference between the average number of representatives per million people in any two states as small as possible.

**374. Has Congress ever failed to reapportion its membership after a decennial census?**

Yes, on one occasion. In 1920, it was found that many shifts in population were temporary and the result of war production. Therefore there was no reapportionment in that year.

**375. What is the Alabama paradox?**

After the 1880 census it was found that a difference of one seat in the House of Representatives would mean an additional representative from Alabama. Under the reapportionment methods then used, Alabama would have received nine representatives in a House of 300 members, and eight in a House of 299 members.

**376. Has the House ever lost in membership due to reapportionment?**

In 1840 the number of members was reduced from 242 to 232 after the decennial census.

**377. Must a congressman reside within the district which he represents?**

No. The Constitution requires only that a representative be a resident of the state in which he is chosen. It is considered politically expedient, however, for a candidate to be a legal resident of the district which he aspires to represent and that is a practically universal custom. In the Seventieth Congress, Representative James M. Beck of Pennsylvania's First District was charged with failure to meet the constitutional requirement of being a bona fide inhabitant of Philadelphia. He claimed residence in Pennsylvania and was seated.

**378. Have representatives been elected to serve districts in which they did not reside at election time?**

There have been several such cases, particularly in New York City, where the Congressional Districts are geographically small although densely populated. New York City has 23 representa-

tives from an area of approximately 308 square miles.

**379. What would be the effect of a failure to elect representatives?**

The Constitution provides that no money shall be drawn from the Treasury except "in consequence of an appropriation made by law." Since the action of both Houses is necessary to enactment of a law, if there were no House of Representatives, there would be no appropriations. As appropriations for conduct of the Government are on an annual basis, it may be imagined what chaos would result if they were all completely shut off.

**380. What qualifications are prescribed for a representative in Congress?**

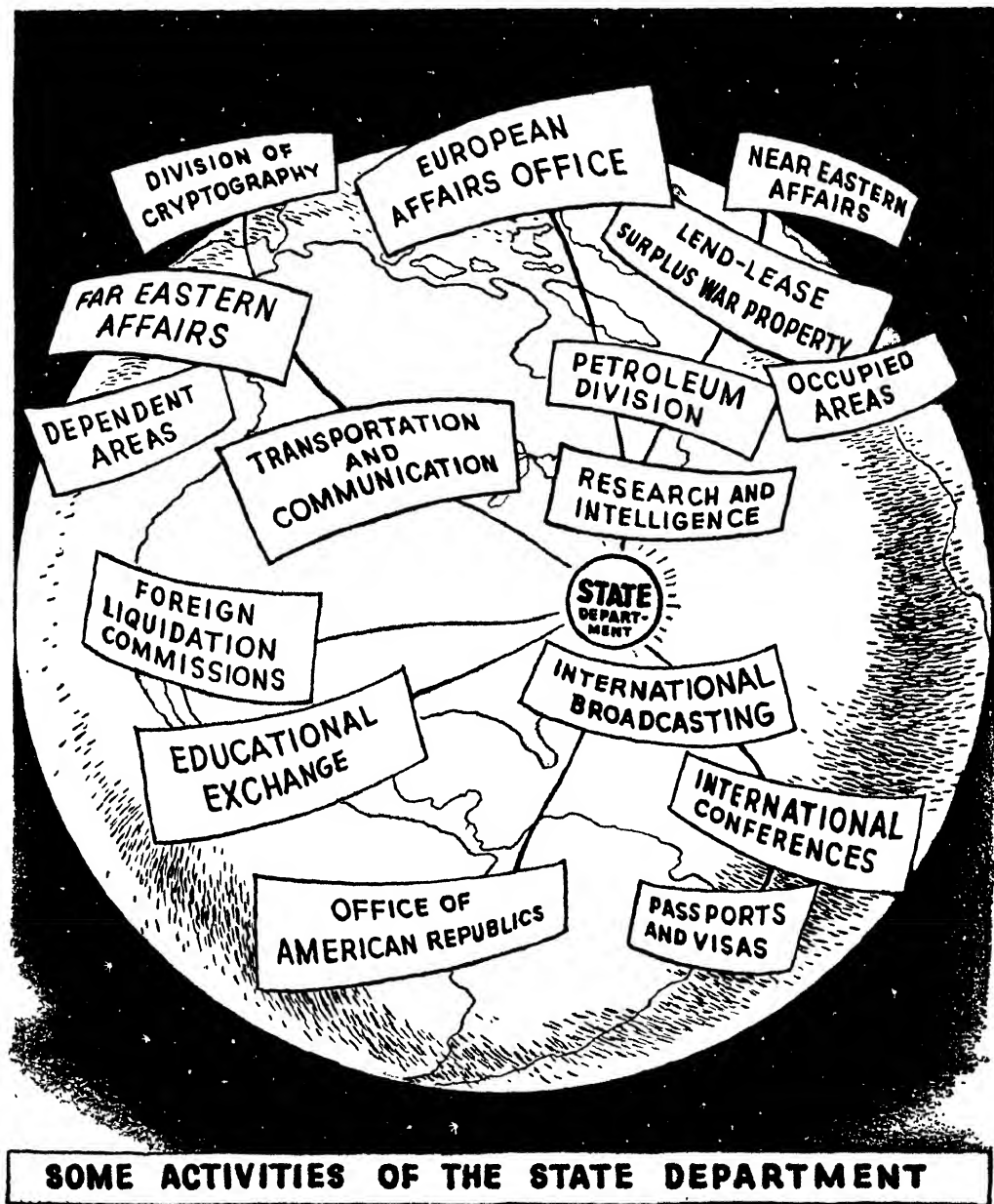
A member of the House of Representatives must be at least twenty-five years of age, must have been a United States citizen for at least seven years, and must reside in the State from which he is sent to Congress.

**381. Who was the first woman elected to Congress?**

The first woman to become a member of Congress was Miss Jeannette Rankin, of Montana. She was elected to the House of Representatives in 1916. She was a Republican and served one term. Miss Rankin was again elected in 1940 to the Seventy-seventh Congress. Miss Alice M. Robertson, of Muskogee, Oklahoma, was the second woman to serve in Congress. She also was a Republican and served one term — 1921-23.

**382. What is the practice as to administration of the oath when a member's right to a seat in the House of Representatives is challenged?**

Each member, in fact, takes the oath of office at the beginning of his term with the consent of all the other members elected. In other words, if any member-elect should challenge his right to take the oath for any reason in the world, the member would have to step aside until the complaint or charges had been disposed of. It is the usual practice for a resolution to be adopted authorizing the Speaker of the House to adminis-



ter the oath to a member-elect who has been challenged, but referring the question of the final right of the member to his seat to the proper committee for consideration and report.

**383. In the event of the death or resignation of a representative, how is the vacancy filled?**

A vacancy in the office of representative from any state is filled normally by a special election.

**384. Do the members of the House have individual seats?**

No. They did until the Sixty-third Congress, but now any member may sit where he chooses. Democrats occupy the east side of the Chamber, on the Speaker's right, Republicans sit across the main aisle on the Speaker's left.

**385. What is the well of the House?**

The space between the clerk's desk, which is immediately in front of the Speaker's rostrum, and the first row of seats.

**386. What is the mace, and what is its significance?**

The mace is the only visible symbol of Government authority in the United States. It is an institution borrowed from the British Parliament, where it had become a traditional symbol or parliamentary authority. Its origin goes back to the "fasces" of Republican Rome — the bundle of rods and an ax which was carried by the lictors who attended each Roman magistrate as he held court and administered justice. From this very practical instrument (the rods for administering whippings and the ax for beheading) the "fasces" developed and evolved into a symbol, known as the mace.

This symbol was adopted by the House of Representatives by resolution of April 14, 1789 — there is no mace in the Senate. The present mace dates from 1842; it is a reproduction of the original which was burned in the Capitol in 1813. It consists of a bundle of ebony rods bound with silver and terminating in a silver globe, surmounted by a silver eagle with wings outspread. The sergeant-at-arms is its custodian and is charged with its use when necessary to preserve order.

**387. How long has smoking been forbidden on the House floor?**

Since 1871. The House rules were then amended to prohibit the use of tobacco. Previously, few legislators indulged although no ban on smoking officially existed for nearly a century. It was generally felt that smoking during the session was incompatible with the dignity of Congress.

**388. Who presides in the House?**

The Speaker of the House. He is nominated at a party caucus and chosen by the members of the House of Representatives.

The Speaker may appoint a Speaker pro tempore, but not for more than three days at a time without the consent of the House.

**389. Who presides over the House when Congress first meets and before a Speaker is selected?**

The House rules provide that the clerk shall, at the commencement of the first session of each Congress, call the members to order, proceed to call the roll of members by states in alphabetical order, and, pending the election of a Speaker or Speaker pro tempore, preserve order and decorum, and decide all questions of order subject to appeal by any member.

Although the rules are not in force at time of organization of a new House (since one House cannot bind a future House, the rules are adopted for each Congress and usually not until after the election of a Speaker) the procedure at organization in practice conforms to the terms of the rules of the preceding Congress.

**390. What are the duties of the Speaker of the House?**

He presides over the House, appoints the chairmen to preside over the Committees of the Whole, appoints all special or select committees, appoints conference committees, has the power of recognition of members, makes many important rulings and decisions in the House. The Speaker may vote, but usually does not, except in case of tie. The Speaker and the majority leader determine administration policies in the House, often confer with the president, and are regarded as

spokesmen for the administration if they and the president belong to the same political party.

**391. Has the Speaker of the House ever failed of re-election while occupying that office?**

This has happened twice. Galusha Aaron Grow was Speaker during 1861-63, the first two years of the Lincoln administration, then failed to be re-elected. Champ Clark was defeated in 1919.

**392. What are the officers of the House, and how are they chosen?**

The Constitution (Art. I, Sec. 2) says that the House "shall choose their Speaker and other officers" — that is, the membership vote as on any other question, except that in this case it is strictly a party vote. Republicans and Democrats both meet before the House organizes for a new Congress, and choose a slate of officers. These are presented at the initial session of the House, and the majority party slate is elected. The vote is viva voce.

The officers include Speaker, Chaplain, Clerk, Sergeant-at-Arms, Doorkeeper and Postmaster. Each of these elective officers appoints any employees provided by law for his department.

**393. Is the House chaplaincy a political appointment?**

Yes. The chaplain is elected by a vote of the members. Usually, the majority chooses a chaplain of its own political persuasion. More properly, the appointment is denominational rather than political. Most members are Protestants. Except for one clergyman, all Congressional chaplains have been Protestants. The exception was the Reverend Constantine Pise, a Roman Catholic priest, who was appointed Senate chaplain in 1832. He was a noted poet and scholar.

**394. How does the House officially signify that it is in session?**

During sessions the flag is raised over the House wing of the Capitol. Inside the Capitol a light is at the entrance used by members to take their places in the chamber.

**395. What is done in the House to indicate that the House is in session?**

The sergeant-at-arms has the mace properly placed on its pedestal to the Speaker's right; it remains there while the House is in session except when it is being borne by the sergeant-at-arms to enforce order on the floor. The mace is a symbol, not an implement, and its solemn exhibition is sufficient.

**396. May a member introduce an occupant of the galleries or bring him to the attention of the House?**

No. No member may introduce an occupant of the galleries, even though the House unanimously approves such action. Under a rule adopted April 10, 1933, the Speaker is forbidden to entertain a member's request to take such action. The rule cannot be suspended.

**397. How are messengers received by the House?**

Messengers may be sent from one House to the other only when both Houses of Congress are in session. The Speaker receives messengers sent to the House, and addresses them by their title. When recognized they address the House's presiding officer as "Mr. Speaker." The messenger may be received during debate, in which case the Speaker can request the member who is speaking to yield the floor.

**398. Who besides members may be admitted to the floor while the House is in session?**

By rules of the House, the president, Supreme Court justices, Librarian of Congress and Law Librarian, state governors, and certain other persons may be admitted. When Congress is in adjournment visitors may step into the chamber.

**399. What is the distinction between "having the floor" and having the "privilege of the floor" in the House?**

Having the "privilege of the floor" means only the privilege of being in the Chamber while the House is in session; it does not carry with it the right to speak. Only members have the right to address the Speaker; one who has been recognized by the Speaker then "has the floor."

**400. What are the duties of the "whips" of the House?**

The whips (of the majority and minority parties) keep track of all important political legislation and endeavor to have all members of their parties present when important measures are to be voted upon. When the vote is likely to be close they check up, find out who is out of the city, and advise absentees by wire of the important measures coming up.

The office of whip is unofficial and carries no salary or perquisites except that each whip as such is allowed certain additional help, sufficient office space, and additional expenses to be used in the performance of his duties.

**401. What are the customary proceedings when the House meets?**

The Speaker calls the members to order and the sergeant-at-arms places the mace on the pedestal at the right of the Speaker's platform. It is the symbol of authority of the House. Then the chaplain offers prayers. Next the clerk reads the Journal of the preceding day's activities. Members of the committees make reports of bills and then the House is ready to consider the bill left unfinished the day before or take up a new bill on the calendar, if there be no unfinished business.

If the mace is on the pedestal, the Speaker or Speaker pro tem is presiding and the House is in session. When the Committee of the Whole is in session, the mace is off the pedestal and a chairman of the Committee of the Whole is presiding.

**402. What is the steering committee of the House of Representatives?**

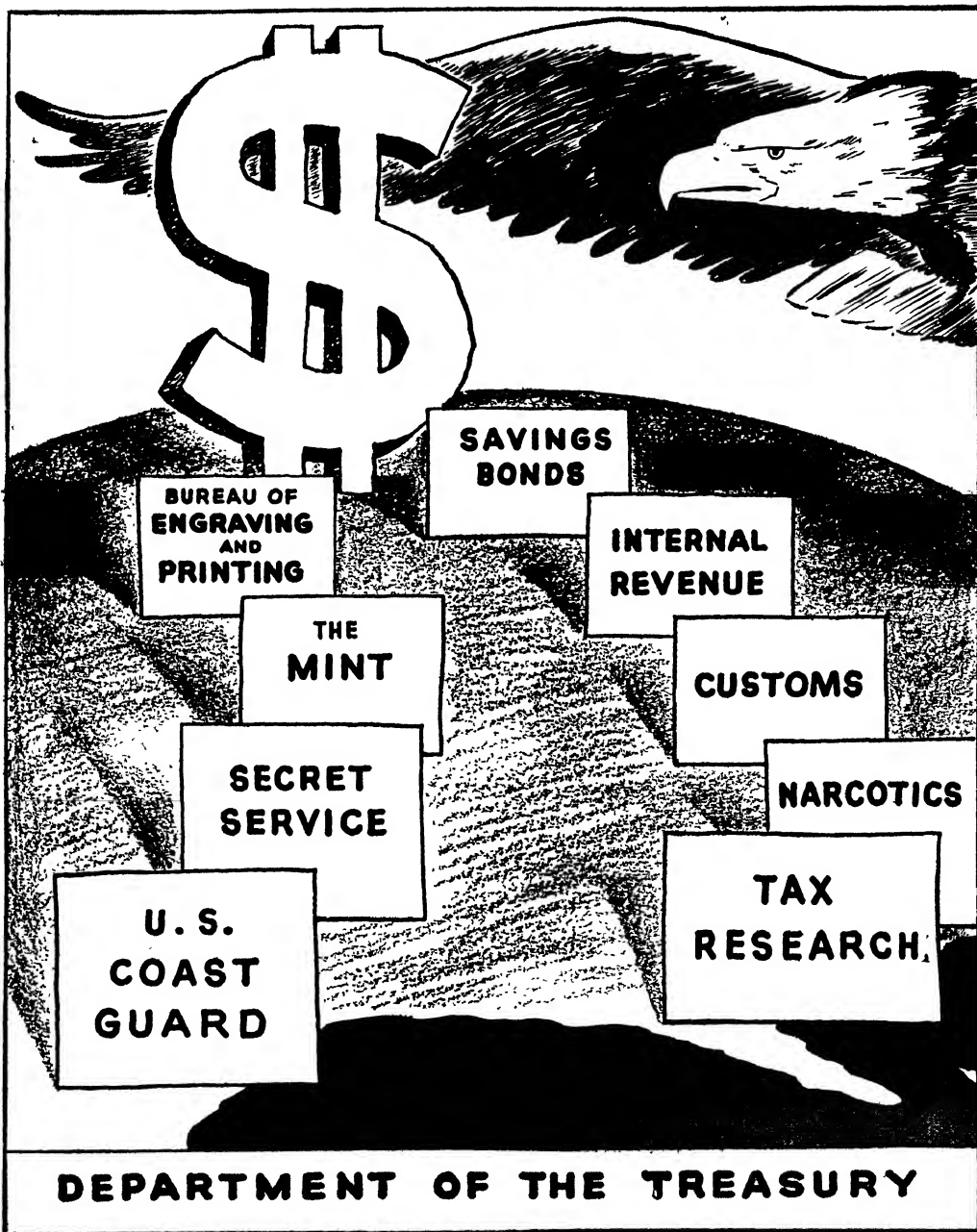
The steering committee is composed of a varying number of the leading majority members, chosen by the majority caucus to exercise supervision over the handling of business by the House. The committee's main function is to select from the large number of bills on the House calendars those which the majority managers wish to advance to final consideration.

**403. What are the stages of a bill in the House?**

Following in brief are the usual steps in procedure — further details on many of the ques-

tions raised will be found in subsequent paragraphs:

- a) Introduction by a member, by placing the measure in the "hopper," a box on the clerk's desk; it is numbered and sent to the Government Printing Office and made available next morning at the document room.
- b) Reference to a standing or select committee — public bills and bills coming from the Senate, by the parliamentarian under direction of the Speaker, private bills on endorsement of the member.
- c) Report from committee — usually after hearing, either before the full committee or a sub-committee.
- d) Placing on the calendar — according to its classification as a revenue bill, private bill, etc. Occasionally a privileged bill is considered when reported.
- e) Consideration in Committee of the Whole, if on the Union Calendar — including general debate and reading for amendment, with speeches limited to five minutes.
- f) Second reading and consideration in the House — in the case of bills considered in Committee of the Whole, the second reading is had in committee. In either case, the bill is open to amendment after the second reading.
- g) Engrossment and third reading — the question is put by the Speaker as of course and decided at one vote. Any member may demand reading in full. A negative vote at this stage defeats the bill as completely as a vote on passage.
- h) Passage — the question of the passage being put by the Speaker as a matter of course without motion from the floor.
- i) Transmission to the Senate, by message.
- j) Consideration by the Senate — usually after reference to and report from committee, reading, debate, and opportunity for amendment.
- k) Return from Senate with or without amendment — if the Senate rejects the House bill it so notifies the House.
- l) Consideration of Senate amendments by the House — either agreeing, agreeing with amendment, or disagreeing with each amendment separately.
- m) Settlement of differences by conference.
- n) Enrollment on parchment paper.
- o) Examination by the appropriate committee — the chairmen of the House and Senate committees each certifying as to the correctness of the enrollment of bills of their respective bodies.
- p) Signing — by the Speaker first in all cases, then by the President of the Senate.
- q) Transmittal to the president of the United States.
- r) Approval or disapproval by the president — usually after referring it to the department affected for recommendation.



- s) Action on a bill vetoed — the House or Senate may consider the veto message at once, postpone consideration of the message to a day certain, or refer the same to a committee. If it fails to pass the House to which returned, by a two-thirds vote, no further action is taken.
- t) Filing with the Secretary of State on approval or passage over veto.

**404. How does a member of the House of Representatives obtain recognition from the Speaker to address the House, and how long may he speak?**

"When any Member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular Member, but to the Speaker . . ."

**405. How is debate limited in the House?**

General debate in the House is usually limited by special rule, the time being equally divided between the majority and the minority, and allotted to the individual members by the members designated in the rule. In no case may a member speak longer than one hour except by unanimous consent of the House. When bills are being considered in the Committee of the Whole for amendments, each member is limited to five minutes except by unanimous consent.

**406. What is a quorum of the House?**

In the House of Representatives a quorum is a majority of the membership. When there are no vacancies in the membership a quorum is 218. There are usually a few vacancies — members who have died or have resigned and their places yet unfilled. So an actual quorum is usually a little under that figure. Much business is transacted without a quorum. But no business of any character, except to adjourn, can be transacted without a quorum present if any member objects. All any member has to do to get a full House is to arise, address the Speaker, and make a point of order that "no quorum is present." The Speaker says, "The Chair will count." If he cannot count a quorum present, the doors are closed, the bells are rung in the corridors and House Office Buildings (three rings indicate a call of the House), and the roll is called. This usually produces a quorum and business proceeds.

A majority of the membership also constitutes a quorum to do business in the Senate.

**407. What are the standing committees of the House?**

Beginning with the Eightieth Congress there are nineteen standing committees as follows (figures in parentheses indicate number of members): Agriculture (27); Appropriations (43); Armed Services (33); Banking and Currency (27); Post Office and Civil Service (25); District of Columbia (25); Education and Labor (25); Expenditures in the Executive Departments (25); Foreign Affairs (25); House Administration (25); Interstate and Foreign Commerce (27); Judiciary (27); Merchant Marine and Fisheries (25); Public Lands (25); Public Works (27); Rules (12); Un-American Activities (9); Veterans' Affairs (27); Ways and Means (25).

These nineteen take the place of forty-eight provided by the rules of the Seventy-ninth Congress.

**408. What arrangements are made for a meeting of a standing committee of the House?**

Each committee has a large committee room, its size and accommodations depending upon the importance of the committee. Each of the major committees of the House has a large meeting room equal in size to the average United States district courtroom. The members of the committee have individual seats in a semicircle behind individual desks. A witness appearing before this committee in support of or in opposition to a bill is usually given time to make his own statement and then the committee members are privileged to cross-examine him. The usual time of meeting is ten o'clock in the morning and sometimes in the afternoon and night when the House is not in session.

**409. Under what circumstances do House committees originate bills?**

Members sometimes present petitions, and reference of such petition to the committee having jurisdiction of the subject matter gives it authority to draw a bill. The same is true when communications addressed to the House from the

president, executive departments, or other sources are referred to appropriate committees. General supply bills, revenue measures, and other similar proposals originate in the committees.

The procedure of having a committee draw bills was in fact the regular order under the early rules. A member desiring to introduce a bill had first to obtain leave of the House, whereupon a committee (including the mover and seconder) was appointed to prepare the bill in question. The present practice of free introduction developed after 1850.

**410. What do the letters "H. R." represent, such as H. R. 99? In other words, do these letters represent, (a) House Record, (b) House Resolution, (c) House Roll, or (d) House of Representatives?**

The H. R. preceding a number represents House of Representatives, and these letters are used for a bill—not a resolution. They compare with the letter "S." preceding the number of a bill in the Senate. For instance, S. 99.

**411. What is meant by the different calendars of the House?**

A legislative calendar is a docket or list of measures reported from committees and ready for consideration by the House. There are three calendars to which business reported from committees is initially referred:

1. A calendar of the Committee of the Whole House on the State of the Union, to which are referred all public bills raising revenue or involving a charge against the Government—the so-called Union Calendar.
2. A House Calendar, for all public bills not raising revenue nor appropriating money or property.
3. A calendar of the Committee of the Whole House, for all private bills—the so-called Private Calendar.

There is also a special calendar, known as the Consent Calendar, to which measures may be referred on request of a member from either the Union or the House Calendar. Bills on this calendar are called in the order in which they appear. Consideration is blocked by a single objection, and in case of objection on three successive calls the bill is stricken from the calendar.

**412. What is the Committee of the Whole?**

Motions or propositions involving taxes or appropriations, authorizing payments out of appropriations or releasing liability to the United States or referring claims to the Court of Claims, are considered first in the House sitting as a Committee of the Whole. (There are technically two such committees, in effect standing committees—one, the Committee of the Whole House, to consider business on the Private Calendar, and the other, the Committee of the Whole House on the State of the Union, to consider business on the Union Calendar.) Upon resolving into Committee of the Whole, the Speaker gives way to a chairman, and the mace is moved to a lower pedestal. Speeches are limited to five minutes. The "previous question" cannot be put in the Committee; and the Committee does not adjourn, but rises and reports to the House, whether their business is unfinished or finished. A quorum is one hundred members.

The Senate in 1930 discontinued the device of a Committee of the Whole except in considering treaties.

**413. How are votes taken in the House?**

In four different ways. Usually the Speaker puts the question in this form: "As many as are in favor (of the motion) say 'Aye,'" and then, "as many as are opposed say 'No!'" In most instances the vote taken is decisive enough to satisfy. But if the Speaker is in doubt, or if it sounds close, any member may ask for a division. In this case the Speaker asks those in favor to stand up and be counted; then those opposed to the proposition to stand up and be counted. The Speaker does the counting and announces the result. But if he is still in doubt, or if a demand is made by one-fifth of a quorum—that is, twenty in the Committee of the Whole or forty-four in the House—tellers are appointed to make the count. The two tellers take their place at the head of the center aisle. All members favoring the proposition walk through between the tellers and are counted. Then those opposed walk through and are counted. This vote settles most questions.

If a roll call is ordered, the clerk reads the names of the whole membership, and as his or her name is called the member answers "Aye" or "No." The names of those not voting the first



time are read a second time, so that all members in corridors, cloakrooms, committee rooms or offices, who have been notified of a roll call by signal bells, may come in and vote.

**414. What is the "previous question"?**

A motion for the previous question, if agreed to by a majority of members voting, has the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions on which it has been asked and ordered.

**415. What are the functions of the House Rules Committee?**

This committee considers only bills that some other committee has reported; most of its work is to decide whether or not to grant special consideration for bills which otherwise might be long delayed on the various calendars of the House. When the Rules Committee reports a special rule to the House it is usually adopted. When it is adopted, the bill to which it refers is considered under the provisions of that rule. The Rules Committee is the only committee that is authorized to sit while the House is in session, without special permission.

**416. How does a member of the House get permission to extend his remarks in the *Congressional Record*?**

Members are permitted to address the House and extend their remarks in the *Congressional Record* by unanimous consent. If a member abuses any privilege that is granted to him by unanimous consent, such as putting too much extraneous matter in the *Congressional Record*, any member can stop it in the future by objecting to his requests. However, the member whose request is objected to can retaliate by objecting to all unanimous-consent requests until his request is granted; or if a Democrat objects to a request made by a Republican, the Republican will sometimes object to all requests made by Democrats until his request is granted; and vice versa.

**417. Why must tax bills originate in the House?**

The constitutional provision (all bills for raising revenue shall originate in the House of Representatives; Art. I, Sec. 7) is an adaptation

of the English practice. The principle involved, which had been established in England after long struggle, is that the national purse strings should be controlled by a body directly responsible to the people. So when the Constitution was formulated, as members of the Senate were to be chosen by the several state legislatures, the initiation of revenue legislation was restricted to the House, where the members were subject to direct election every two years. However, the Senate has had from the start full power to amend revenue legislation.

**418. Must all appropriation bills originate in the House?**

There has been considerable argument and difference of opinion as to whether "bills for raising revenue" includes appropriation bills. But it is uniform practice that general appropriation, as distinguished from special bills appropriating for single, specific purposes, originate in the House.

**419. What are the special powers of the House of Representatives?**

The House alone can vote impeachment and prosecute the trial of an officer; initiate bills for the raising of revenue; and, in the event of a presidential election in which a candidate lacks a majority of electoral votes, can select a president.

**420. When does the House hold secret sessions?**

If the president of the United States transmits a confidential message the House may be cleared of all persons except members and designated officers. Similarly, the House may meet in secret session when the Speaker or other members announce they have communications of a secret nature.

**421. What is a dilatory motion?**

This is a motion to delay action by a series of parliamentary procedures. If, in the opinion of the Speaker, resort to dilatory motions becomes apparent to the House, he can rule it out of order.

**422. Is it possible by means of parliamentary techniques to thwart the will of the majority in the House?**

No. The parliamentary rules of the House are designed to forestall such possibilities. The rules are the most finely designed, technically

"foolproof" and scientifically balanced of those of any parliamentary body in the world. Despite the most determined opposition and obstruction by minority elements, the majority may work its will.

**423. What is an automatic roll call in the House?**

This is a combined roll-call-and-vote. When the roll is called, the members answer "present." The procedure takes about twenty-five minutes in the House. For an automatic roll call, the member votes on a measure in addition to signifying his presence; as his name is read he answers either "aye" or "nay." A second call is made for members not responding during the first roll call.

**424. What is meant by "leave to address the House"?**

A member desiring to make a speech on a subject not involved in a House debate can schedule the time for his remarks in advance. To do so, he asks unanimous consent to address the House

on a certain day at a specified hour and for a specific period. The request in most instances is for a few minutes, seldom for as much as an hour.

**425. Who refers bills, as introduced, to House Committees?**

Public bills as well as memorials and resolutions are referred by the Speaker of the House. Private bills are referred on indorsement of the member introducing them. The House itself may refer a bill to any committee without regard to the rules of jurisdiction.

**426. Is counsel ever heard in connection with public bills in the House?**

Counsel is heard only on private bills, and then only on such points as the House may direct.

**427. Who was the only woman in Congress to vote for suffrage for women?**

Representative Jeannette Rankin, of Montana.

## THE CAPITAL

**428. Is Washington a Southern city?**

The District of Columbia is a short distance below the Mason and Dixon line.

**429. What opposition was there to the establishment of the seat of the Federal Government in the South?**

Northerners, chiefly Philadelphia merchants and manufacturers, did not want the Capital moved from their city. They claimed the construction of new buildings in the sparsely settled and heavily wooded District of Columbia would saddle the nation with debt. They spoke of Washington as "that Indian place in the wilderness" and of the White House as "a palace in the woods."

**430. What was the population of Washington in 1800, when the Government was moved to that city?**

The population was 14,303 for the entire District of Columbia. Of these, 2,000 were slaves.

**431. What was the total cost of moving the Federal Government from Philadelphia to Washington?**

\$15,293 for packing and shipment of records, which were moved by sloop. Government employees came to Washington by carriage.

**432. How many persons originally were employed by the Federal Government?**

There were 131 employees in 1800, most of them (69) on the payroll of the Treasury Department. The War Department had eighteen employees; the Attorney General none.

**433. In what respect is Washington considered the most beautiful city in the world?**

Washington has two advantages that are enjoyed by no other world metropolis. Our capital city was planned from the beginning on an artistic design. The city is almost purely the seat of government; there is no factory smoke nor industrial traffic to spoil the effect. The scene is dominated by the world's greatest assembly of public buildings, some of which, as the Capitol Building, are among the world's most beautiful, and virtually all which are of striking interest. The arrangement of the buildings and monuments, boule-

wards, parks, and drives, makes use of the natural charms of the situation beside the Potomac River. It is no wonder that Jean Jules Jusserand, when ambassador of France, exclaimed, "Other world capitals have ancient grandeur: the city of Washington has the beauty of the ideal."

**434. What is the Washington Mall?**

The Mall is a strip of walk, drive and park between the Capitol and the Washington Monument and was designed by Major L'Enfant, the French architect who planned the city, to afford an unobstructed view westward from the Capitol over the Mall. The Mall is about two city blocks wide and was named for the famous London Pall Mall, which has public walks and trees. Actually, the Mall is more suggestive of the Trocadero in Paris than of Pall Mall.

**435. Has the District of Columbia ever had a territorial form of government?**

Yes. By Act of February 21, 1871, Congress organized the District government with a governor appointed by the president, (with the consent of Senate) and a legislative assembly consisting of an appointive council of eleven members, and an elective house of delegates of twenty-two members. The Governor, Alexander R. Shepherd, undertook vigorous measures for modernization of the city; but the whole experiment was abandoned by Congress in 1874, with a provision for a commission form of government.

**436. What famed Negro scholar assisted Major L'Enfant in surveying the ground for the plan of Washington?**

Benjamin Banneker, a mathematician, was appointed by President Washington to serve on L'Enfant's commission in helping lay out and survey the city.

**437. How high is the Washington Monument?**

Five hundred and fifty-five feet, five and one-eighth inches.

**438. How long has the Monument been open to the public?**

It was opened October 9, 1888, and has been visited by at least 20,000,000 persons.

**439. Is the Capitol Building always open to visitors?**

No. The Capitol Building is open every day of the year except Christmas Day and New Year's Day from 9 A.M. to 4:30 P.M., and after 4:30 P.M. when Congress is in session. There is no regular guide service after 4:00 P.M.

**440. When was the cornerstone laid for the Capitol?**

On September 18, 1793, President Washington laid the cornerstone of the Capitol.

**441. What does the statue on the Capitol dome represent?**

The bronze statue is the figure of a woman symbolizing liberty; it is 19½ feet high, weighs 14,985 pounds, and was cast in Rome, Italy, in 1855, and mounted in its place December 2, 1863. Thomas Crawford was the sculptor in his studio in Rome. The figure is properly known as the Statue of Freedom.

**442. Which is the more authoritative symbol of Federal power, the Capitol dome or the Great Seal?**

The Capitol is more widely known and associated in the public mind with power and authority. But the real symbol of Federal authority is the Federal Great Seal, which is official.

**443. What is meant by "on the Hill"?**

Originally a colloquialism, the phrase refers to Capitol Hill, an elevation of eighty feet. The "hill" includes the Senate and House Office Buildings, the Supreme Court, and the Library of Congress, as well as the Capitol.

**444. When were the present Senate and House of Representative Office Buildings built?**

On March 3, 1903, Congress authorized the erection of a fireproof office building for House members for office and committee rooms. April 14, 1906, President Theodore Roosevelt participated in the formal exercises at the laying of the cornerstone. The building was completed and occupied January 10, 1908. The cornerstone for the second building was laid June 24, 1932. It was ready for beneficial occupancy April 20, 1933. The

cornerstone of the Senate Office Building was laid July 31, 1906. The building was occupied March 5, 1909, with only three sides completed. The fourth side was erected and the building completed in June, 1933.

**445. What is the location and purpose of the United States Botanic Garden?**

The present purpose of the United States Botanic Garden is to collect, cultivate and grow the various vegetable produce of this and other countries for exhibition and display to the public and for study material for students, scientists and garden clubs. The conservatory is 262 feet long, 183 feet wide, and 40 feet high (dome, 40 feet higher). It is across the street from the southwest corner of the Capitol grounds. The collection includes over 8,000 species and varieties of plant growth. One service rendered by the Garden to the public is the identification of specimens and the furnishing of information relating to proper methods of growing. It is open to the public free from 9:00 A.M. to 4:00 P.M. every day.

**446. What is Statuary Hall?**

The hall is in the south-central section of the Capitol building, where the House formerly sat. In 1864, the room was reconstructed and designated a national statuary hall, in which every state could place a maximum of two marble or bronze effigies of its most illustrious deceased citizens. However, there are only forty statues in the Hall, some thirty-four others having been placed elsewhere due to the immense weight of the entire collection. The most recent addition to the collection is a statue of the late Senator William E. Borah, contributed by his state.

**447. Is every state represented in Statuary Hall?**

No. States not represented as yet are Colorado, Montana, Nevada, New Mexico, North Dakota, Utah, Washington, and Wyoming.

**448. How does the Capitol dome rank in size with similar structures elsewhere in the world?**

The Capitol dome ranks fourth, with a diameter of 135½ feet and a height of 287½ feet. It is exceeded in size by domes of the Pantheon at

Rome, the *duomo* at Florence, and St. Peter's at Rome.

**449. Is either the Capitol or the White House insured?**

No. Congress has made no provision for insurance on any public building.

**450. How many women are honored with memorial statues in the Capitol?**

Four. A statue of Frances E. Willard, the temperance leader, stands in Statuary Hall as a gift of the state of Illinois. In the Capitol sub-basement are busts of Susan B. Anthony, Elizabeth Cady Stanton, and Lucretia Mott, all prominent women suffrage leaders.

**451. What is the significance of the catafalque covered with black cloth in the sub-basement of the Capitol, directly beneath the rotunda?**

The catafalque was used in 1865 to support the casket of President Abraham Lincoln, and has been used since then for every person laid in state in the Capitol rotunda. The spot where the catafalque stands was originally intended for the permanent tomb of President Washington. But Washington provided in his will for burial at Mount Vernon. Although Martha Washington subsequently agreed to the removal of her husband's remains from the family estate to the Capitol, the project was abandoned in 1832 by request of John A. Washington and the state of Virginia.

**452. What is the oldest Federal building in Washington?**

The White House, begun in 1792. President Washington died before it was ready for occupancy. The first president to reside in the White House was John Adams, in 1800. The interior and part of the walls were destroyed by fire during the War of 1812. The roof was replaced in 1927, and many other alterations have been made, but the building still retains the general lines of the original design.

**453. When was the White House officially named and how was the name acquired?**

The official mansion of the president was not originally designated by law as the White House; it was referred to usually as the President's House, or the Executive Mansion. The grey sandstone walls were painted white to cover smoke stains after the building was burned during the War of 1812, and thereafter it began to be popularly known as the White House. Under President Theodore Roosevelt, the name "White House" was used on the president's stationery; today "White House" is recognized by the State Department "Style Manual" as the proper form of address.

**454. To what extent may visitors inspect the White House?**

Although the White House is primarily the residence of the president and his family, the building is visited by approximately 1,000,000 persons annually. Sightseers may enter and inspect the east entrance hallway, the East Room, the Blue Room, Green Room, the Red Room, State Dining Room and Reception Hall.

**455. How many rooms are there in the White House?**

The building has about fifty rooms, including kitchens, valet bedrooms, and corridors used as sitting rooms.

**456. How many people are employed by the White House for maintenance?**

The White House has forty special police, plus a large force of Secret Service men who guard the president day and night; a housekeeper, two ushers, two cooks, two kitchen maids, one mechanic, one electrician, and one day and one night furnace man; also, one pantry man, four footmen, parlor maid, houseman, five housemaids, house cleaner, the president's valet, the First Lady's personal maid, and her social secretary. The over-all number of employees varies with every administration. Extra help is engaged for special occasions.

**457. What annual official state dinners are given at the White House?**

There are four. The Diplomatic Corps, the Cabinet, the Supreme Court, and the Speaker of

the House are the guests of honor at these state dinners.

**458. What is the Napoleon Clock?**

This timepiece was presented to Lafayette by Napoleon, and by Lafayette to the White House. It is on the mantle in the Blue Room.

**459. Who paid for the construction of the White House and Capitol?**

The states of Maryland and Virginia, with grants of funds added to by funds from the sale of building lots in the new Capitol area.

**460. Who was the original White House architect?**

James Hoban. Not only did he design the original structure, but also the reconstructed building following the burning of Washington by the British in 1814. All presidents and their families have lived there except Washington. The White House was burned during Madison's Administration and reoccupied after being rebuilt in 1817, by President Monroe.

**461. What was the original purpose of the Library of Congress?**

To function as a repository for books, for the convenience of members of Congress. Now, however, the institution serves the entire American people.

**462. What was the original appropriation for the Library of Congress?**

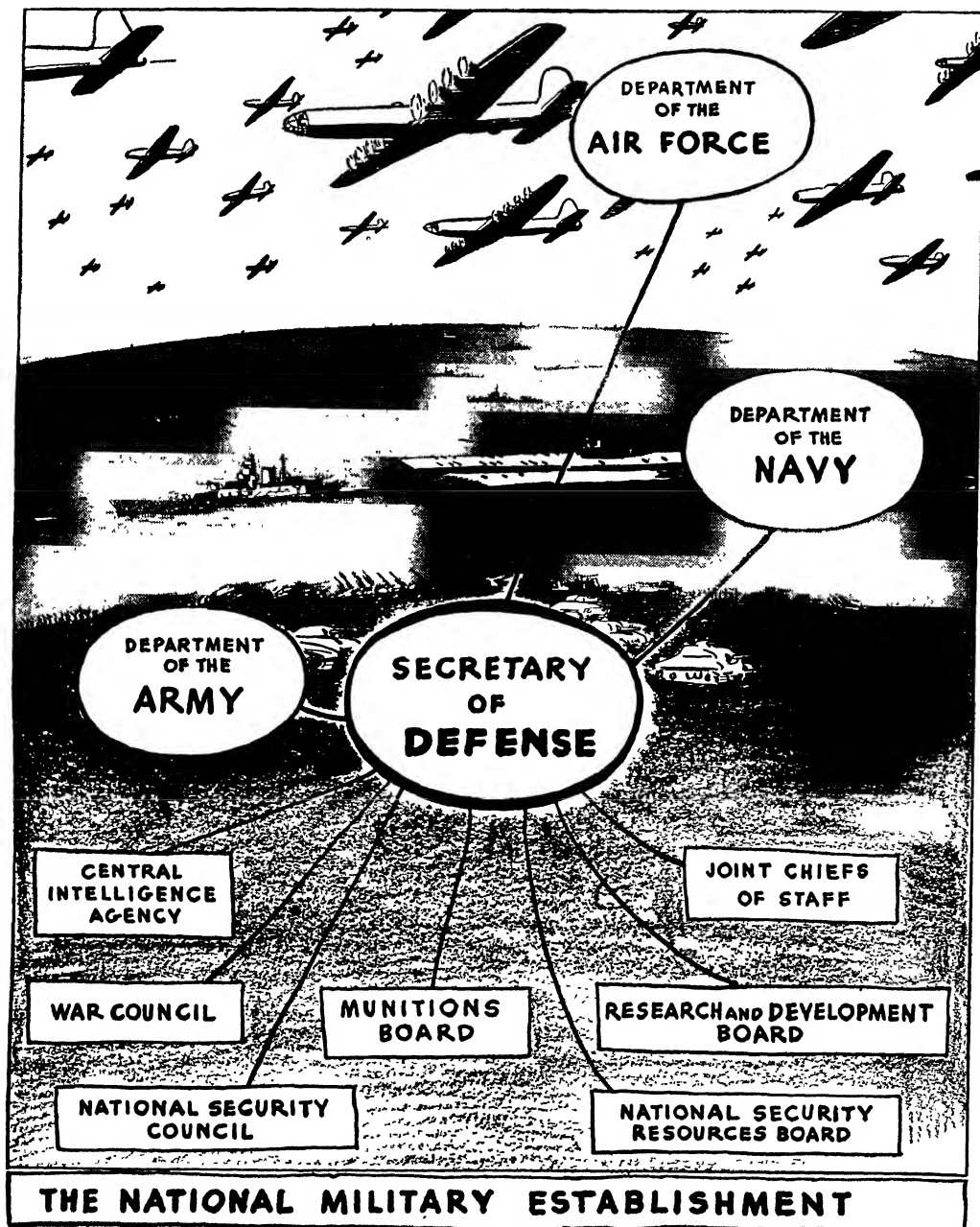
About \$5,000 for the purchase of books and the establishment of suitable quarters near the Capitol in 1800.

**463. What is the annual appropriation for the maintenance of the Library of Congress?**

The average annual appropriation for the past three years (1947) has been \$5,859,000.00.

**464. What are the most important documents in the Library?**

The Declaration of Independence, the Constitution, the Gutenberg Bible, and the Magna Charta. All four documents are priceless treasures. There are no duplicates of the original Dec-



laration of Independence and Constitution. Only three complete copies of the Gutenberg Bible and the Magna Charta are extant.

**465. What happens to such documents in war-time?**

In time of war precious documents are removed to a secret place of safety chosen by the Librarian.

**466. What are the distinctive qualities of the Gutenberg Bible in the Library of Congress?**

It is the first book ever printed with movable type. It was published in 1445, antedating the discovery of America by forty-seven years. Its vellum pages still have strength and beauty, and the luster of its ink and the sturdiness of its binding are as good as new.

**467. How did the Library of Congress obtain the Gutenberg Bible?**

The Monks of St. Blasius, an Austrian order, had owned the Bible for four centuries when it was acquired by Otto Vollbehr, who sold it to the Library along with 3,000 other items from the 15th Century. Congress appropriated \$1,500,000 to pay for them. The Gutenberg Bible had cost Vollbehr \$360,000.

**468. What newspapers are received by the Library of Congress?**

The Library subscribes to approximately 850 American newspapers and 150 foreign dailies. At least 8,000 periodicals are available to research workers at the Library.

**469. What is the oldest newspaper on file at the Library of Congress?**

The *Boston News Letter*, beginning in 1710 and continuing for nearly a century thereafter, until it suspended publication. The newspaper file in this instance is a history of early America.

**470. What is the Legislative Reference Service?**

The Service is a unit in the Library of Congress which engages in research work in behalf of the members of Congress. The Library also has facilities for individuals engaging in research work of a private nature. In such instances, rooms are set aside where scholars may work without interruption and where they may have access to whatever library materials they need.

**471. What are the latest figures on Library of Congress collections?**

As of June 30, 1946, the Library claimed a total of 8,193,200 books and pamphlets; 8,121,913 manuscripts; 1,711,292 maps and views; and 576,946 fine prints, not to mention 260,588 phonographic records; 1,719,610 pieces of music; 59,001 reels and strips of microfilm; and a great number of unbound newspapers, broadsides, etc.

# V. Executive Departments

## THE PRESIDENCY

### 472. What qualifications are prescribed for the president?

He must be a natural-born citizen, at least thirty-five years old, and for at least fourteen years a resident of the United States.

### 473. What is the wording of the oath taken by the president? Who administers it?

The form of oath for the president is prescribed by the Constitution as follows:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Generally the chief justice administers the oath, but this is merely custom. Any officer authorized to administer oaths could do it. President Coolidge took the oath of office from his father, who was a justice of the peace in Vermont.

### 474. How is the president addressed?

Simply as "Mr. President." A letter sent to the chief executive is addressed, "The President, The White House." One of the earliest Congressional debates dealt with the title of the chief executive. A Senate Committee recommended that the president be addressed, "His Highness, the President of the United States of America, and Protector of their Liberties." In the House, a debate on the subject was climaxed by James Madison's disclosure that the Constitution explicitly prescribed the chief magistrate's title as "President of the United States of America." When

George Washington made his first inaugural address, the House made formal reply, addressing him simply as "The President of the United States." When the Senate's turn came to make a similar formal reply, the upper House reluctantly bowed to the precedent set by the lower House, but not without adopting a resolution declaring "that it would be proper to annex a respective title to the office" of president. "Thus it came about," writes Henry James Ford, "that the President of the United States is distinguished by having no title. A governor is addressed as 'Your Excellency,' a judge as 'Your Honor,' but the Chief Magistrate of the Nation is simply 'Mr. President.'"

### 475. Why is the president's wife known as the First Lady?

The presidency is the highest position attainable in the United States. The president's wife therefore has social precedence over all other women. In the event that the president is unmarried, the lady who presides over White House social functions is known as the First Lady of the Land.

### 476. Does a flag show whether or not the president is in the White House?

The flag flown over the White House is taken down if the president leaves to be gone overnight.

### 477. Why are the Capitol and the White House situated a mile apart?

George Washington felt that the two buildings should be geographically separated as a means of separating the executive from the



legislative branches of the Government. He chose as sites for the Capitol and the Presidential Mansion two elevations with a large swamp between them. In his day, the trip from one location to the other was two miles by a roundabout route. Washington felt that such inconvenience in communications between the legislative halls and the president's office was most desirable; he had long noted the influence and control exercised by King George III over the British Parliament. He frowned on daily contact between president and Congress.

**478. Now that the swamp is gone and the trip up Pennsylvania Avenue from Capitol to White House takes but a few minutes, does the proximity of the two buildings result in the evil Washington wanted to forestall?**

Congress retains its independence despite the continuous contact that can be made by telephone between White House and Capitol. Even television equipment has been used at times in the Executive Mansion and the House of Representatives. But the executive and legislative branches remain separate. While presidents have often had the party support of a majority in Congress, and the bills recommended by the chief executive were generally passed, this is not always so.

**479. Have all our presidents lived in the White House?**

Except George Washington, all the presidents and their families have resided in the White House. The first occupant was John Adams in 1800, although the building was not yet finished.

**480. Who is responsible for the safety of the president?**

The Treasury Department's Secret Service, which has uniformed and plain-clothes personnel regularly assigned to the White House. Secret Service men accompany the president on all trips in the United States and abroad. They also certify persons who are admitted to the White House grounds.

**481. How is the president's mail handled?**

The chief executive receives millions of communications annually which he is unable per-

sonally to handle. The mail is therefore handled by a special staff in a temporary building near the White House. Letters of the highest importance reach the president's desk through his "anonymous assistants" and secretaries. Crank mail is scrutinized by the Protective Security Section of the Secret Service.

**482. What is a presidential salute?**

Twenty-one guns fired in succession is the generally accepted salute to a reigning monarch. The custom originated in France and Britain and we applied it to the president as a tradition until August 16, 1875, when it became official. This salute is given when the president visits military posts. In this country it is more commonly known as the presidential salute.

**483. What is a salute to the Union?**

A salute to the Union, or our national salute, consists of one gun for each state in the Union. This is commemorative of the Declaration of Independence and is fired only at noon, July Fourth. Upon the death of a president, one gun is fired at half-hourly intervals from reveille to retreat, followed by the national salute. To prevent confusion, the salute to the Union is often called the salute of the forty-eight guns.

**484. What presidents were born in log cabins?**

A recent study on this point states that "the evidence seems conclusive that Millard Fillmore, James Buchanan, Abraham Lincoln, and James A. Garfield were born in log cabins; and it is possible that Andrew Jackson and James K. Polk were so born. Popular opinion that William Henry Harrison or Andrew Johnson or Ulysses S. Grant was born in a log cabin seems from the evidence to be erroneous."

**485. What presidents were the sons of preachers?**

Wilson, Arthur, and Cleveland.

**486. What presidents were bachelors at the time of their election?**

James Buchanan and Grover Cleveland. Buchanan was the bachelor president — he never married. Cleveland married Miss Frances Folsom,

of Buffalo, during his first term. She was the daughter of his former law partner.

**487. How many presidents were slaveowners?**

Ten: Washington, Jefferson, Madison, Monroe, Jackson, Tyler, Polk, Taylor, Johnson, and Grant.

**488. Did President Lincoln advocate the reimbursing of slaveowners as a measure toward freeing the slaves?**

On March 6, 1862, Lincoln recommended to Congress the adoption of a resolution "that the United States ought to cooperate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State, in its discretion, to compensate for the inconveniences, public and private, produced by such change of system." He suggested that "gradual and not sudden emancipation is better for all." This resolution was passed by Congress on April 10, 1862. Directly afterwards, April 16, Congress passed an act (12 Stat. 376) abolishing slavery in the District of Columbia, and providing for payment to the former owners of not exceeding \$300 for each slave so freed.

In September, 1862, in a proclamation stating war aims, the President again declared he would "in due time" recommend compensation to loyal citizens for loss of slaves (12 Stat. 1268). But the pledge contained in the resolution of April 10 was never carried out with respect to any state, though in 1864 Congress provided (13 Stat. 1124) for payment of not over \$300 to loyal slaveowners for each slave enrolled in the Army.

President Lincoln's own plan called for a maximum of \$400 per slave freed — and he suggested this in a draft law submitted to the Delaware legislature, which turned it down.

**489. What public offices had Lincoln held before becoming president?**

He had served four terms in the Illinois legislature, where he had been floor leader. He had served one term in the House of Representatives (1847-49). He had been a candidate for United States senator in 1855, and again against Stephen A. Douglas in 1858, and lost. He had unsuccessfully sought the nomination for vice president with John C. Fremont in 1856.

**490. What president was drafted for military service as a young man and hired a substitute to serve in his stead?**

Cleveland. He was called up during the Civil War by the Federal Army. He availed himself of the legal right to hire a substitute.

**491. Which presidents were related?**

John Adams and John Quincy Adams, the second and sixth presidents, respectively, were father and son. Benjamin Harrison, the twenty-third president, was a grandson of William Henry Harrison, the ninth. Zachary Taylor, the twelfth president, was a second cousin of James Madison, the fourth. Franklin Delano Roosevelt was a fifth cousin of Theodore Roosevelt.

**492. Who was the only Regular Army soldier ever to become president?**

General U. S. Grant was the only Regular Army soldier to become president, although Washington and Jackson were military leaders. Grant was, however, the only graduate of the United States Military Academy and career soldier to be elected chief executive. Incidentally, Grant had always been a Democrat but was nominated by the Republican party and elected on the Republican ticket.

**493. What Speaker of the House became president?**

James K. Polk of Tennessee, Speaker of the House from 1835 to 1839, served as president during 1845-49. Two speakers became vice presidents: Schuyler Colfax and John Nance Garner.

**494. How did General George Washington account for the money he spent during the American Revolution?**

He kept a daily account of his expenses, including the sums paid for secret services in obtaining information from inside enemy lines. This account (about \$64,000) was presented to the Comptroller at Philadelphia for payment at the close of the war. The manuscript, in his own handwriting, is on file in the Register's Office of the Treasury Department, and is one of the most interesting documents of early American history.

**495. How much did Washington receive for his services as commander in chief?**

Nothing more than his actual expenses. As a matter of fact, Washington himself claimed that he was a "considerable loser."

**496. How did the electoral college originate?**

The framers of the Constitution thought that a convention of qualified electors would be the best way to choose a president. The electors were not pledged to any particular candidate but were chosen as men who could make a calm and wise decision on who should be president.

**497. When did political parties first figure prominently in the selection of presidential candidates?**

In the campaign between Jefferson and Adams. In the first election (1789), there were no established political parties because Washington was chosen president by virtually everyone. Adams became vice president because he was Washington's choice. In 1792, in the second national election, Washington and Adams were retained for a second term. In 1796, on Washington's retirement from public life, a bitter battle developed between Adams and Jefferson and their respective followers. The Adams camp called Jefferson a demagogue because of his liberal views. The Jefferson followers denounced Adams as a kingly despot because of his conservatism. Adams won in the electoral college balloting by a vote of 71 to 68, two electors from Jefferson states voting for Adams. One of these dissident voters was a Virginian; the other, a North Carolinian. Inasmuch as electors were not pledged to support the candidate most popular in their state, the two men were legally entitled to deviate from the prevailing views of the majority in Virginia and North Carolina. Electors are expected, however, to support the candidates whose popular vote is highest.

**498. What was the initial purpose of these political parties in presidential elections?**

The parties formed so that they could choose electors pledged to support party candidates in national elections. Thus, two lists of party candidates for electors were created in the 1800 election. The voters went to the polls know-

ing that electors pledged to support the most popular presidential candidate would vote for him if he carried the state by popular vote. Since 1800, the members of the electoral college have therefore been little more than puppets who register the vote of the people of their state. In effect, therefore, the people elect the president by popular vote even though the Constitution provides that the people vote only for presidential electors.

**499. What connection does the Presidency have with the origin of the Congressional Caucus?**

In 1800 the Adams men and the Jefferson men held meetings of members of Congress to plan the respective campaigns. These meetings were known as Congressional caucuses. Adams and Pinckney were the first candidates of the Federalist party. Jefferson and Burr were chosen by the Republican party, which changed its name during Andrew Jackson's Administration to the Democratic Republican party. Later in Jackson's era, members called themselves the Democratic party.

**500. What president called the first national political convention?**

Jackson, in 1832. The meeting was organized in Baltimore to nominate candidates for president and vice president on the Democratic ticket.

**501. Why did Jackson originate the national convention?**

The Congressional caucus as a means of nominating presidential candidates had become unpopular, particularly in Jackson's day. He knew he could not control members of Congress. He therefore organized a convention in which delegates chosen directly by the citizenry could participate. Jackson contended that the people should choose delegates to nominate presidential candidates, who would thus be the nominees of the public instead of the choice of congressmen. Ever since 1832, all presidents have been nominated in this method.

**502. How was the date for beginning the first president's term of office determined?**

By the Constitutional Convention. When

the Constitution was finally approved and ratified, the Convention ordered that Congress should fix a date for commencing proceedings under the new form of government. Accordingly, in 1788, Congress by resolution appointed March 4, 1789, as the day on which President Washington should assume his new duties. Although Washington was not inaugurated until April 30, 1789, his term began as of March 4.

**503. What is now the date for commencement of the president's term?**

The Twentieth Amendment makes noon on January 20, every four years, the time for the beginning of presidential terms. The next term will begin at noon, January 20, 1949. This amendment became effective beginning with President Franklin D. Roosevelt's second term in 1937. He was inaugurated for his first term on March 4, 1933. He died April 12, 1945, during his fourth term, after having been president for twelve years, one month and eight days. On the evening of April 12, 1945, Vice President Harry S. Truman was sworn in as president.

**504. What president had the shortest White House career?**

William Henry Harrison. He died in office one month after his inauguration. His service began March 4, 1841. He died on April 4.

**505. What presidents have served two complete terms?**

Nine: Washington, Jefferson, Madison, Monroe, Jackson, Grant, Cleveland, Wilson, and Franklin D. Roosevelt.

**506. Can the president pardon a person who has been impeached, tried and convicted?**

No. The president may grant a full or a conditional pardon to any person who has been convicted of breaking a Federal law, except in a case of impeachment. Fortunately impeachment cases are rare. The question of pardon therefore has seldom been broached. Only a high officer would be likely to be impeached.

**507. What president served in the Senate after leaving the White House?**

Andrew Johnson served as president dur-

ing 1865-69, and was elected to the United States Senate from Tennessee for the term beginning March 5, 1875. He died on July 31, 1875.

**508. Has any former president served in the House of Representatives?**

John Quincy Adams was president for one term (1825-29), and subsequently was elected to nine consecutive terms in the House, beginning in 1831 and continuing until his death in 1848.

**509. What presidents have held Federal office other than in Congress after leaving the presidency?**

Washington was named "commander in chief of the Army" by President John Adams in 1798, when United States relations with France were strained and war threatened. William Howard Taft was chief justice of the Supreme Court from 1921 to 1930. Theodore Roosevelt was President Taft's special ambassador at the funeral of King Edward VII in 1910. Former President Herbert Hoover has conducted several missions for the Truman Administration in connection with postwar relief abroad.

**510. What presidents were born west of the Mississippi River?**

Only two: Herbert Hoover, born in Iowa and elected president while a resident of California; and President Truman, a Missourian.

**511. How many presidents have died in office?**

Seven: Harrison, Taylor, Lincoln, Garfield, McKinley, Harding, and Franklin D. Roosevelt. Only two — Harrison and Taylor — died in the White House; and only two — Taylor and Roosevelt — died while Congress was in session.

**512. What pension privileges or allowances have been granted to widows of presidents?**

Annual pensions of \$5,000 have been granted to the widows of Presidents Tyler, Polk, Lincoln, Grant, Garfield, Cleveland, Benjamin Harrison, McKinley, Theodore Roosevelt, Taft, Wilson, and Coolidge. These pensions were granted by special Act of Congress as a matter of grace rather than of legal right.

**513. From which state has the largest number of presidents come?**

Virginia, in which eight presidents were born: Washington, Jefferson, Madison, Monroe, William Henry Harrison, Tyler, Taylor, and Wilson. Seven presidents were born in Ohio.

**514. Has it always been customary for presidents to appear before joint sessions of the House and Senate to deliver messages?**

Presidents Washington and John Adams appeared before the two Houses in joint session to read their messages. Jefferson discontinued the practice, transmitting his message to the Capitol to be read by the clerks in both Houses. Jefferson's procedure was followed for a full century. In 1913, Wilson addressed the Congress in person. President Harding also read his messages to Congress. President Coolidge, early in his administration, became the first chief executive to speak to Congress and the nation by radio. Beginning in December, 1924, he restored the practice of sending his statements to the Capitol in the form of State papers. The custom of reading important statements to the Congress in joint session was revived by President Franklin D. Roosevelt, and followed by President Truman. Mr. Truman appeared before Congress on April 16, 1945, four days after being sworn into the presidency. Perhaps his most important speech before a joint Congressional session was that of March 2, 1947, when he outlined the so-called "Truman Doctrine," his proposal to provide aid to Greece and Turkey to check the growth of totalitarianism.

**515. How have characteristics and achievements of presidents been reflected in nicknames?**

Washington is known as "Father of his Country"; Adams, "Colossus of Debate"; Jefferson, "Pen of the Revolution" and "Sage of Monticello"; and Madison, "Father of the Constitution."

Jackson was labeled "Old Hickory." Some presidents acquired sobriquets of a noncomplimentary nature: John Quincy Adams, Fillmore, Arthur, and Cleveland were known as "Accidental Presidents" because of the political circumstances attending their rise to power. Rutherford B.

Hayes was "President *de facto*" — President in fact — because he entered the White House despite the larger popular vote given to his opponent, Samuel Tilden.

Polk was the "First Dark Horse" — a relatively obscure figure who became a compromise candidate for the presidency. Calvin Coolidge, noted for his taciturnity, was dubbed "Silent Cal." People spoke of Lincoln as "Honest Abe"; of Theodore Roosevelt as "T. R." and "Teddy"; and of Franklin Delano Roosevelt as "F. D. R.," a designation which he himself favored. During his Administration, a considerable body of controversial legislation was introduced that provoked heated debate, and Mr. Roosevelt was often referred to by exasperated opponents as "That Man in the White House!" Newspapers which attacked him most bitterly sometimes used the appellation, "The Great Brain."

**516. Did the electoral college ever vote unanimously for any president other than George Washington?**

No. In the election of Monroe in 1820, one elector, William Plumer, voted against Monroe so that Washington would stand alone as the one president receiving the electoral college's unanimous vote for the presidency.

**517. What is the electoral college?**

The Constitution provides that each state "shall appoint . . . a number of electors" equal to the combined number of its senators and representatives in Congress. This, of course, refers to the quadrennial presidential election; the total of all the electors is popularly called the electoral college. Electors never get together on an interstate basis. They meet as a state group and vote.

**518. How and where do the presidential electors vote?**

The electors whose party wins in a state's balloting for president meet at a place designated by the state legislature, usually the state capitol. They meet on the Monday following the second Wednesday in December in a presidential election year and vote as a unit for their candidate. Six copies of these votes are made. One is for the President of the United States Senate; two for

the Secretary of the State; two for the Secretary of State of the United States; and one for the District Judge. The electors' action is a mere formality and occurs long after the nation knows the outcome of the presidential election.

**519. What was the official result of the electoral college vote in the general election of 1860?**

Lincoln received 180 electoral votes, 1,866,000 popular votes; Douglas, 12 electoral votes, 1,376,000 popular votes; Breckenridge, 72 electoral votes, 849,000 popular votes; Bell, 39 electoral votes, 588,000 popular votes.

**520. What provision is made by the Constitution or by law for execution of the duties of president in event of the death, resignation or disability of the chief executive, or his removal from office?**

Under Art. II, Sec. 1, the vice president exercises the powers and duties of the president in such case. However, to take care of further emergencies, Congress has enacted so-called "Succession Acts." For many years, the matter was covered by the Act of 1886, which started the succession with the Secretary of State, and then down the line of executive departments. However, on July 18, 1947, a new law was enacted under which the Speaker of the House of Representatives and the President pro tempore of the Senate are in line of succession ahead of the Cabinet members.

**521. Why were the Secretaries of Agriculture, Commerce, and Labor omitted from the succession in the Act of 1886?**

The 1886 Succession Act included the heads of all the executive departments then provided by law. The Department of Agriculture was not established as an executive department until 1889; the Departments of Commerce and Labor until 1913. Under the National Security Act of July 26, 1947, the Secretary of Defense takes the place of the former Secretary of War in the line of succession.

**522. What is the reasoning of the new law relative to presidential succession, which was approved by the president on July 18, 1947?**

Proponents of this law argue that the Constitution expressly provides for the election of a president. In the event of his death and that of the vice president, these proponents say, it would be within the spirit of the Constitution to have an elected official succeed to the presidency rather than the Secretary of State, who is a presidential appointee.

**523. Who becomes president if a president-elect dies or is disqualified before the day of his inauguration?**

Under the Twentieth Amendment, the vice president-elect becomes president when the president-elect dies. If, however, the president-elect is disqualified, the vice president-elect acts as president "until a President shall have qualified."

**524. Who would succeed to the presidency if both the president-elect and the vice president-elect failed to qualify prior to Inauguration Day?**

No law providing for such a contingency has been enacted.

**525. Whom would the president notify were he to submit his resignation?**

The Secretary of State.

**526. What is the salary attached to the presidency?**

The president's salary is \$75,000 a year, subject to income tax the same as other citizens' salaries.

**527. What allowances does the president receive?**

The president resides at the White House. Technically and oddly, the law merely grants him the use of the furniture and other household effects belonging to the United States and kept in the Executive Mansion. The president receives an allowance of \$25,000 annually for travel and entertainment—which he accounts for on his certificate solely. The permanent law providing \$25,000 for these purposes has not been changed, but amendments in recent years have increased the allowance to \$30,000.

**528. Is the President's Special Emergency Fund voted by Congress to all presidents regardless of whether they are Republicans or Democrats?**

Yes, that is the custom, although it is a matter for the Congress to decide. For the last several years the fund has been included in the Independent Offices Appropriation Bill. The Republican-controlled Eightieth Congress approved a sum of \$500,000 for Democratic President Truman for the fiscal year 1948.

**529. How is the President's Special Emergency Fund used?**

The Fund is used to take care of unexpected or unusual expenses which the Chief Executive must meet. For instance, The President's Amnesty Board which was set up to deal with the prisoners sentenced during World War II receives its funds from the President's Emergency Fund; the Citizens Food Committee also operates from the Fund. Of the \$500,000 appropriated for this fiscal year, the Congress provided that the president need give no accounting to the Congress for \$100,000.

**530. At what intervals have changes been made in the president's salary?**

By Act of Congress the president's salary was set at \$25,000 a year February 18, 1793. On March 3, 1873, the salary was increased to \$50,000; and on March 4, 1909, to \$75,000.

**531. Under what circumstances may the president call a special session of Congress?**

Under the Constitution (Art. II, Sec. 3) the president may convene Congress, or either House, "on extraordinary occasions."

**532. Is a special session of Congress limited as to subject matter?**

It is usual for the president in calling an extra session to indicate the exact matter which needs the attention of Congress. However, once convened, a Congress cannot be limited in the subject matter which it will consider.

**533. When can a president adjourn Congress?**

The Constitution (Art. II, Sec. 3) empowers the president to adjourn Congress "at such

time as he may think proper" when the House and Senate disagree with respect to time of adjournment. No president has exercised this power. Many Constitutional experts believe the provision applies only in the case of extraordinary sessions.

**534. What is the status of the Bureau of the Budget?**

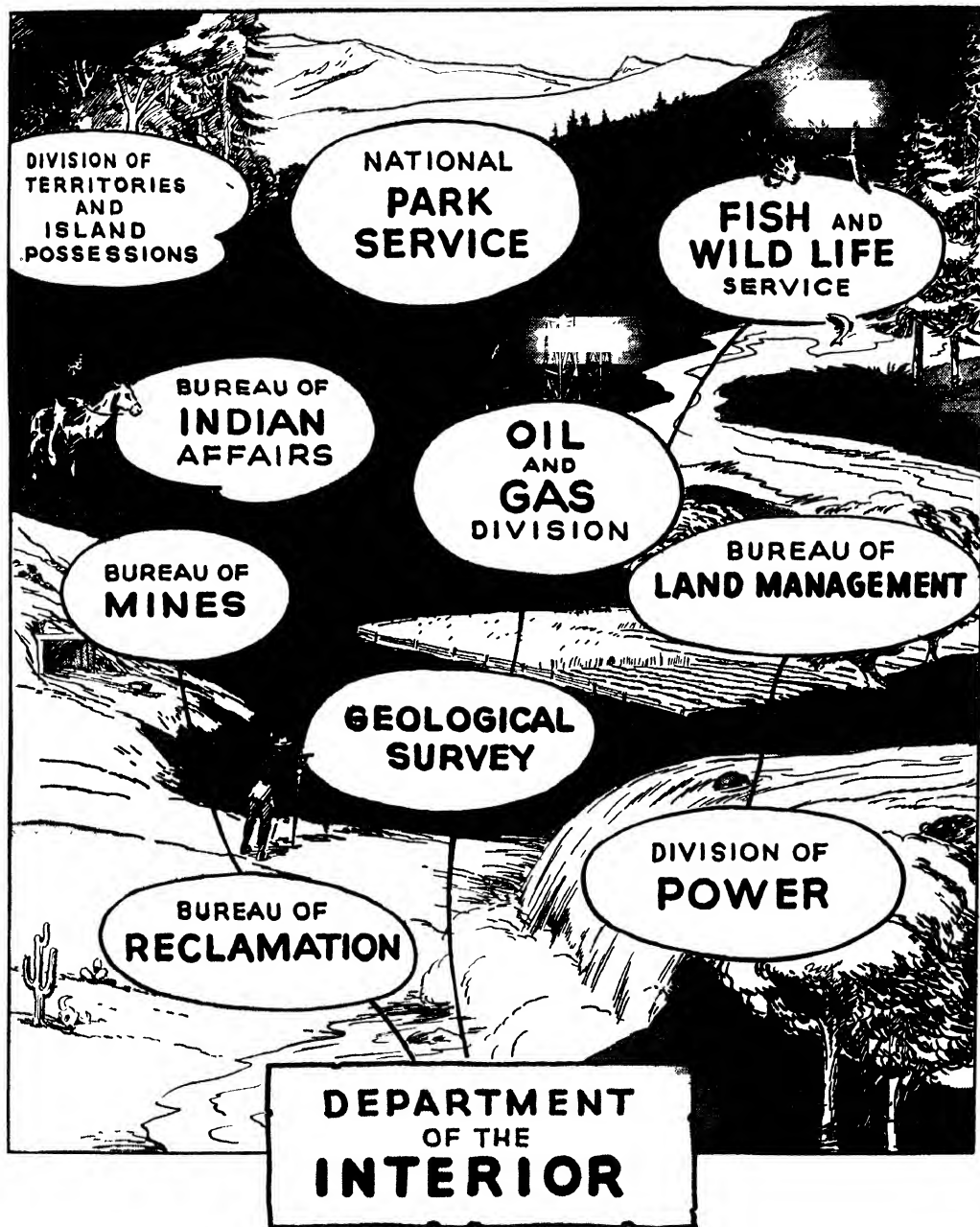
The Budget Bureau is an independent agency formerly in the Treasury Department. In 1939, the Bureau was transferred to the executive office of the president, and its director reports to the president directly. The director of the Bureau of the Budget also is required to give assistance on request to any committee of either the House or Senate.

**535. What is the national Budget?**

The budget system was introduced in the United States in 1921, in accordance with the Budget and Accounting Act. Previously, the various government departments made up estimates of their financial needs for a year's activity, and turned over the data to the Secretary of the Treasury. He transmitted the facts and figures to eight separate Congressional committees. Each of these committees then prepared an appropriation bill for the agencies under its jurisdiction and reported it out without concerted deliberations.

Under the Budget and Accounting Act, the Bureau of the Budget receives estimates from the departments and analyzes them. After making whatever deductions it considers necessary, the Budget Bureau prepares a budget conforming with the president's financial program. The president transmits the Budget to the Congress at the beginning of a regular session of Congress. Estimates of the legislative branch of the government and of the Supreme Court are transmitted to Congress without revision.

The Budget includes a message from the president, a financial statement on the condition of the Treasury, a statement of receipts and expenditures for the last completed year, and estimates of receipts and expenditures for the current and ensuing fiscal years. A second part includes detailed estimates for the several government agencies.





**536. What changes did Congress make to facilitate the budget system?**

Instead of referring the Budget to several committees, the data are concentrated in one large Appropriations Committee in the House and the corresponding committee in the Senate. Both committees have sub-committees which study the various phases of the Budget.

**537. Is the Budget the Appropriation Bill actually passed by Congress?**

No. The Budget is merely the revised estimate of the appropriations which the president thinks should be made. The House Appropriations Committee actually draws up and reports the Appropriation Bill, which is subject to change either in the House or the Senate.

**538. What courses are open to the president when a bill is presented to him?**

(a) The President may promptly sign it, whereupon it becomes a law. (b) He may hold it without taking any action, in which case it becomes law at the expiration of ten days (Sundays excepted), without his signature if Congress is in session. (He may refuse to sign the bill because he disapproves of the measure and recognizes that a veto is either politically unwise or useless, or because he is undecided about the bill's constitutionality, as was President Cleveland on the income tax law of 1894, and prefers not to commit himself.) (c) He may veto the bill. In this case, it may be voted on again by Congress and if approved by a two-thirds vote in both Houses, it becomes law despite the president's veto.

**539. What is a "veto"?**

The word "veto" is derived from the Latin and means "I forbid." The president is authorized by the Constitution to refuse his assent to any measure presented by Congress for his approval. In such case, he returns the measure to the House in which it originated, at the same time indicating his objections — the so-called veto message. The veto goes to the entire measure; the president is not authorized as are the governors of some states, to veto separate items in a bill.

**540. What is a "pocket veto"?**

By the Constitution the president is al-

lowed ten days (exclusive of Sundays) from the date of receiving a bill within which to give it his approval; if, within the ten days, Congress adjourns and so prevents the return of a bill to which the president objects, that bill does not become law. In many cases, where bills have been sent to him toward the close of a session, the president has taken advantage of this provision, and has held until after adjournment measures of which he disapproved but which for some reason he did not wish to return with his objections to Congress for their further action. This action is the so-called pocket veto.

President Franklin Delano Roosevelt introduced a refinement on the bare pocket veto, by writing on the copy of a bill which he did not approve "Disapproved and signature withheld." He felt that Congress and the country were entitled to know at least that the failure to sign was deliberate.

**541. What did the Pocket Veto Case decide?**

This case (reported in 279 U. S. 655) decided that when Congress had adjourned at the close of a first regular session—not to reassemble, perhaps, for several months—it had effectively prevented the return of a bill which the president had vetoed, and that the bill in such case did not become law.

This case is to be distinguished from the later case of *Wright vs. U. S.* (302 U. S. 583) where the Court decided that in case of a temporary recess by one House only, while Congress was still in session, the president could constitutionally return a vetoed bill to the proper officer of the House, which could then take what action it saw fit.

**542. Is there any restriction on what a president may veto? May he veto a declaration of war or a Constitutional amendment?**

A president may veto any measure that is properly before him, regardless of its character. He may therefore veto private bills (in fact this constitutes the largest class of bills vetoed) as well as public bills and a declaration of war the same as any other. He cannot, however, veto separate items of bills—it must be the whole or

nothing. Since proposals to amend the Constitution do not require the approval of the president, they are not submitted to him.

**543. Has any president vetoed a private bill which he had previously signed?**

The only recorded instance when this occurred came in the Truman Administration. President Truman vetoed a measure which he had signed while president of the Senate (vice president).

**544. Has any president ever signed a bill twice?**

President Wilson signed the Adamson Act first on September 3, 1916, a Sunday. Because it was a Sunday, the President deemed it advisable to sign the measure a second time, which he did on September 5, 1916.

**545. When a president approves a bill, does he indicate in writing the specific time when he signed the measure?**

He does so only when time is of extreme importance and the legislation is of extraordinary significance.

**546. On what occasion were presidential vetoes sustained and overruled within a period of a few weeks?**

In June, 1947, President Truman's veto of H. R. 1, the Eightieth Congress' Tax Reduction Bill, was sustained in the House of Representatives; a few weeks later, his veto of the Taft-Hartley Omnibus Labor Bill was overridden both in the House and the Senate.

**547. Are many bills vetoed?**

Not very many. During the eight years Woodrow Wilson was president he vetoed thirty-three bills. President Harding vetoed five; President Coolidge, twenty; and President Hoover, twenty. President Cleveland vetoed more bills than any other president before Franklin D. Roosevelt, but they were mostly private pension bills.

During President Cleveland's two terms, he vetoed 471 bills (128 of them were pocket vetoes). During President Franklin D. Roosevelt's entire administration of 12 years, 1 month and 8 days, he vetoed 627 bills (258 of them being pocket

vetoes). President Truman, from April 12, 1945, has vetoed 106 bills, up to July 26, 1947. Of these, seventy-four (including twenty-one pocket vetoes) were in the Seventy-ninth Congress. Nineteen of the thirty-two vetoes in the Eightieth Congress were pocket vetoes. Most of the bills vetoed were for private relief.

**548. Can the president veto a constitutional amendment?**

No. The president has nothing to do with the adoption of amendments to the Constitution. He has neither the power nor the opportunity to veto a resolution by Congress proposing constitutional amendments. But such resolutions must be passed by a two-thirds vote in both Houses of Congress.

**549. Who was the first president to veto a tax reduction bill?**

Harry S. Truman, in June 1947. President Truman vetoed H. R. 1, a bill to reduce individual income taxes. His veto was sustained in the House of Representatives. Practically the same bill was repassed a month later. The veto this time was overridden in the House, but sustained in the Senate.

**550. What president never exercised his veto power?**

Thomas Jefferson.

**551. What really makes a bill a law?**

The president's signature.

**552. What ceremony attends the signing of a bill by the president?**

The president ordinarily signs bills without any particular attention being given his action.

Sometimes when he has a bill of special importance to sign, he arranges a ceremony for the occasion.

Sometimes he uses two or three different pens to sign a bill, using one pen for the first part of his name and another pen for the latter part. Then he gives these pens to those who have been most interested in the legislation.

In some instances organizations interested in the legislation have furnished the president with a gold pen and fancy penholder to be used in

affixing his name. Afterward the organization frames the pen and keeps it as a souvenir.

**553. What becomes of the bill after it is signed?**

The signed bill is sent to the Department of State. There (in the Division of Research and Publication) it is given a number as a public law and published forthwith as a "slip law" — i.e., in individual form. At the close of each session these are consolidated in a bound volume called *United States Statutes at Large*.

**554. What is the effect of a "national emergency" proclaimed by the president?**

There is a considerable body of so-called emergency legislation which takes effect by its terms upon the proclamation of an emergency by the president, and continues only until the emergency is terminated by the president or Congress.

**555. What are executive orders?**

Executive orders are issued by the president, and are in general of two kinds:

1. Those which prescribe general regulations for the practical operation of an act of Congress;
2. Those which direct some detail in the administration of the Government; e.g., the establishment of a wildlife refuge at a particular place, or the exemption of a designated person from some requirement of the civil-service laws.

Since June 1938, the more important executive orders (including all those of the first type) are published in the *Federal Register*. There are about 10,000 executive orders bearing serial numbers, and about the same number not so designated.

In the Hot Oil Case, decided in 1935, the Supreme Court specifically held that two executive orders (of July 11 and July 14, 1933) were invalid because not warranted by the Constitution.

**556. Does a presidential proclamation have the force or effect of law?**

It has been held by the Supreme Court that an amnesty proclamation (December 25, 1868) had the force of law. In recent times Congress has in many instances enacted a law provisionally empowering the president to determine and proclaim the existence of conditions upon which the act becomes effective. A proclamation

thus issued by specific authority would certainly have the effect of law; in fact, Congress often has prescribed penalties for a violation of the terms of such a proclamation — which could only be on the assumption that a law was involved.

**557. Does the president ever preside over the sessions of Congress?**

No. The vice president is technically the President of the Senate, and is addressed by senators on the floor as "Mr. President." The president of the United States, when he appears before Congress, as when he delivers his annual message, is simply an honored guest, and sits at the right of the presiding officer.

**558. Through whom does the president exercise his responsibilities as commander in chief of the Armed Forces?**

The president has a personal chief of staff, a military and a naval aide. In addition, he has close contact with his Cabinet. The president makes recommendations to Congress concerning the promotion of officers, the strength of the Armed Forces, and their budgetary needs.

**559. Does the president ever wear a uniform?**

The president of the United States is a civilian, although he is commander in chief of the Army and Navy. Tradition forbids his appearing in the uniform of the military or naval services.

**560. Can the election of president be dispensed with, even in time of war?**

No. The Constitution requires that a president shall hold office "during the term of four years." The only possible conclusion is that there must be periodic elections. The exigency of a war is simply a factor to be considered by the electorate in determining the advisability of a change in administration.

**561. Is there a law limiting the number of terms a president may serve?**

There is no legal restriction on the number of presidential terms, though prior to 1936 it was "unwritten law" that two terms were the limit. Numerous bills have been introduced, however, on this subject, proposing to write a two-term restriction into the Constitution. The House passed

such a resolution (H. J. Res. 27) on February 6, 1947, and the Senate passed an amended version on March 24, 1947. It was adopted and 18 states ratified the amendment in 1947.

**562. How many newspaper, radio, and magazine correspondents have occasion to "cover" Congress?**

During the first session of the Eightieth Congress, approximately 736 writers were accredited to the Senate and House press galleries.

**563. How do newsmen address the president?**

Reporters speaking to the president address him as "Mr. President," as do other persons transacting business at the White House. It is not unusual for the president to address the reporters by their first names. This is particularly true of President Truman, who is intimately acquainted with most of the veteran writers in Washington.

**564. Where in the White House does the president meet the press?**

The president receives the newspaper and radio writers in his offices in the West Executive Wing of the White House. Every person attending the conference must show his credentials to the Secret Service men as he passes through the Cabinet meeting room into the presidential office. After everyone has entered the office, the door is closed and the doorkeeper says, "All in, Mr. President." Whereupon the news conference commences.

**565. Are newspaper correspondents allowed to quote the president directly?**

The president may be quoted directly only when he authorizes it. Otherwise the newsmen are limited to indirect quotations.

**566. With what churches have most of the American presidents been affiliated?**

Nine presidents have been Episcopalians.

These include Washington, Madison, Monroe, Harrison, Tyler, Taylor, Pierce, Arthur, and Franklin D. Roosevelt. President Truman is a Baptist, as was Harding. Jackson, Buchanan, Cleveland, Benjamin Harrison and Wilson were Presbyterians. Polk, Johnson, Grant and McKinley were Methodists. John Adams, J. Q. Adams, Fillmore, and Taft were Unitarians. Van Buren and Theodore Roosevelt belonged to the Reformed Dutch Church. Coolidge was a Congregationalist. Hoover was a member of the Friends' Society, Garfield of the Disciples of Christ. Jefferson, Lincoln and Hayes did not hold membership in any denomination. (Hayes attended the Methodist Church but never joined.)

**567. What is the status of the present envoy from the United States to the Vatican, and how does it differ from that of our former representative?**

For many years prior to 1867, the Pope was not only head of the Roman Catholic Church, but head of a considerable temporal state as well. The Papal States, so called, included a large part of central Italy. From 1848, to 1867, the United States maintained regular diplomatic relations with the Papal States.

In 1940, President Roosevelt sent Myron Taylor as his personal representative to Rome. In the President's own words, "This appointment does not constitute the inauguration of formal diplomatic relations with the Vatican." The President may determine the rank for social purposes of any special representative he may send; in this case, the rank corresponding to Ambassador was obviously appropriate.

In the earlier period, diplomatic relations were established with the usual ends in view, notably the furtherance of commercial intercourse; in the present case, the appointment was designed "to assist parallel endeavors for peace and the alleviation of suffering."

## THE CABINET

**568. What were the Cabinet offices under Washington?**

Cabinet offices under President Washing-

ton included the following:

Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General and Postmaster General.

**569. What are the official duties of the Cabinet?**

Cabinet members, as such, have no official duties, but are recognized as the President's regular advisers. They meet weekly in the Cabinet Room of the Executive Offices in the White House.

**570. What are the government positions held by members of the president's Cabinet?**

Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Postmaster General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, and Secretary of Labor.

**571. What change does the National Security Act of 1947, sometimes called the Armed Services Unification Act, make in the Cabinet?**

Traditionally, the members of the President's Cabinet have been the heads of the several Executive Departments. Under the National Security Act, however, the Secretary of Defense, who is head of the National Military Establishment, is recognized as a Cabinet member, in place of the Secretaries of the Army, the Navy and the Air Force, which are Departments within the Military Establishment.

**572. Is a constitutional amendment necessary in order that a member of the Cabinet may simultaneously be a member of Congress?**

Yes. A national officeholder cannot at the same time be a member of either House of Congress.

**573. What salary does a Cabinet member receive?**

Fifteen thousand dollars.

**574. What is a Cabinet member's tenure?**

Cabinet officials are appointees of the president and serve during his term. When the president's service ends, it is customary for the Cabinet to resign, so that the president-elect can appoint new chiefs of Executive Departments. In substance, a Cabinet member's tenure is indefinite. The exception is the Postmaster General.

**575. In what respect does the Postmaster Gen-**

**eral stand on a different footing from other Cabinet members?**

He is appointed to hold office during the term of the president and one month thereafter. Another noteworthy fact about the Postmaster General is likelihood of party as well as governmental responsibilities. Some Postmaster Generals have been chairmen of their party's national committee while serving in the Cabinet.

**576. Has a vice president ever refused to sit with the Cabinet?**

Vice President Charles G. Dawes declined, although invited by President Coolidge to participate in Cabinet meetings. Dawes summarized his objection as follows:

"Long before I had any thought that I would have an individual interest in the question, I said the plan of having the Vice President sit with the Cabinet was unwise. The Cabinet and those who sit with it always should do so at the discretion and inclination of the President. Our Constitution so intended it. The relationship is confidential and the selection of a confidant belongs to him who would be injured by the abuse of confidence, however unintentional. No precedent should be established which creates a different and arbitrary method of selection. Should I sit in the Cabinet meetings, the precedent might prove injurious to the country. With it fixed, some future President might face the embarrassing alternative of inviting one whom he regarded as unsuitable into his private conference or affronting him to public eye in denying him what had been generally considered his right."

**577. How many vice presidents have succeeded to the presidency by reason of a vacancy in that office?**

Seven: Tyler, Fillmore, Johnson, Arthur, Theodore Roosevelt, Coolidge, and Truman.

**578. Of these successions, how many were caused by the assassination of presidents?**

Three: Lincoln, McKinley, and Garfield were killed by assassins. Andrew Johnson served

as president during all but one month of Lincoln's second term; Theodore Roosevelt served three and one-half years of McKinley's second term; and Chester A. Arthur served about three and one-half years of Garfield's term.

**579. Has a vice president ever resigned?**

One only — John C. Calhoun. He resigned on December 28, 1832, three months before the expiration of his term, to become senator from South Carolina, vice Robert Hayne, resigned.

**580. What vice president is credited with the remark, "What this country needs is a good five-cent cigar"?**

Thomas Marshall of the Wilson Administration.

**581. What salary does the vice president receive?**

Beginning with the Eightieth Congress, the salary has been \$20,000 a year. Originally, it was \$5,000; it was raised to \$8,000 in 1853; to \$10,000 in 1874; to \$12,000 in 1907; and to \$15,000 in 1925. The salary is augmented by an expense allowance of \$2,500. The vice president also receives the use of an automobile.

**582. Who was the first vice president to sit regularly with the Cabinet?**

Calvin Coolidge, at President Harding's invitation. There were earlier instances of the vice president's attendance at Cabinet meetings, but these all occurred during the first five years of President Washington's Administration, before the function and character of the Cabinet had been clearly defined.

**583. Who administers the oath of office to the vice president-elect?**

Ordinarily this is done by his predecessor, the outgoing vice president. If there is none, the oath is administered by the president *pro tempore* of the Senate.

**584. Where was vice president Coolidge sworn in when he succeeded to the presidency?**

At the home of his father in Plymouth, Vermont, where Coolidge was born. He was visiting his birthplace at the time.

**585. Does the United States Government provide an official residence for the use of the vice president?**

No. The matter has been considered on various occasions, and legislation has been introduced providing for an official residence. In 1931, a Washington resident offered to present to the United States a suitable mansion for this purpose on Sixteenth Street, Northwest, but the offer was not accepted.

**586. What vice president retired from that office after one term and ran for the United States Senate?**

Hannibal Hamlin, of Maine. He was vice president during Lincoln's first term.

**587. Has a vice president ever taken the oath of office outside the United States?**

Yes. Vice President-elect Rufus King of Alabama was in Cuba for his health in 1853, after being elected as President Franklin Pierce's running mate. By special Act of Congress on March 2, 1853, the American consul at Havana was empowered to administer the oath to King on March 4, 1853, Inauguration Day. Shortly thereafter, King returned to his home in Alabama, where he died April 18, 1853, never having performed any duties of his office.

## DEPARTMENT OF STATE

**588. Where are the headquarters of the State Department?**

In 1947, the State Department's highest ranking authorities moved from the old building on Pennsylvania Avenue, adjoining the White

House, to a former War Department Building at Virginia Avenue and Twenty-first Street, N.W., in Washington. Here the Secretary of State has offices on the fifth floor.

**589. What are the top-ranking posts and units**

**in the State Department besides that of the Secretary of State?**

The Secretary has a deputy, the Under Secretary of State, who serves as acting Secretary in his chief's absence. In addition, there is an Undersecretary for Economic Affairs. There are several Assistant Secretaries of State whose functions are divided as follows: Administration; Economic Affairs; Occupied Areas; American Republic Affairs; and Transport and Communications Affairs.

The Department has numerous offices, including an Office of American Republic Affairs, European Affairs, Far Eastern Affairs, Near Eastern and African Affairs, International Trade Policy, Financial and Development Policy, Economic Security Policy, Foreign Liquidation, Transport and Communications, Public Affairs, International Information and Cultural Affairs, the Foreign Service, Departmental Administration, Budget and Finance, Controls, Intelligence Research, Intelligence Collection and Dissemination, and Special Political Affairs. In every office are numerous divisions and subdivisions consisting of experts in various fields who perform the myriad duties incidental to the conduct of international relations.

**590. What constitutional authority exists authorizing the executive branch of the Government to conduct foreign relations?**

The Constitution makes no affirmative grant of power to the Federal Government to handle our international affairs, but such powers are "necessary concomitants of nationality." The president is the sole organ of Federal Government in dealing with other nations, and he is aided by the State Department and the Diplomatic Corps. Congress may accord the president a degree of discretion in this field which would not be permissible if domestic affairs alone were involved.

**591. Why does the State Department rank ahead of other Departments in prestige and seniority?**

The fourth Act of Congress after adoption of the Constitution was a bill establishing a Department of Foreign Affairs, on July 27, 1789. The Department is not only the oldest and highest

ranking but also the most dignified. Within the State Department courtesy attains the height of courtliness.

**592. What is the State Department's Division of Protocol?**

This unit is responsible for the presentation of diplomatic officials, for arrangements for international conferences, and for answers to questions involving diplomatic immunity, precedence, etiquette, etc.

**593. Has anyone ever declined appointment as Secretary of State?**

Patrick Henry was the only man to decline the post. He was offered the portfolio by President Washington.

**594. What is the difference between an ambassador and a minister?**

An ambassador is the highest ranking envoy. He is technically the representative of a sovereign or chief executive. As such he has the right to audience with the head of the nation to which he is accredited. A minister must, on the other hand, deal through the head of the State Department or Foreign Ministry in the country to which he is sent. The minister is generally considered the highest ranking United States emissary in a small country. Until 1893, the United States maintained no ambassadors. Today, every nation in Latin America and the Western Hemisphere has a United States ambassador. Most of the European countries also have United States Ambassadors.

**595. Are consuls diplomatic officials?**

Consular officials are not diplomatic officers. They are primarily trade agents. They look after United States commercial interests abroad, operating not merely in capitals but also in the major cities which are not government seats. In order of rank such officers are consul-generals, consuls, vice-consuls and consular agents. A distinction should be noted between consular officers and commercial attachés. The latter are diplomatic personnel; they are regularly attached to diplomatic missions abroad.

**596. What determines the degree of power a foreign representative may possess?**





When an emissary goes abroad he is given credentials which specify his rank and the degree of power with which he is vested, as well as the subjects upon which he may treat.

**597. What is an emissary's first official act on arriving at his post of duty?**

He must present his credentials at the court to which he is sent. Until these credentials have been presented and accepted, he has no official status and must remain a private citizen until he receives official recognition.

**598. What is meant by diplomatic immunity?**

No state, country, or private or public person may use force or violence against the person of an ambassador, his property, household, or servants, even in the event of a declaration of war between his nation and the one to which he is accredited. For minor violations of the law, such as speeding in motor vehicles and other infractions of municipal ordinances, the diplomat is "immune" from prosecution and arrest.

**599. What is the basis for diplomatic immunity?**

Diplomatic immunity is a matter of common international usage and tacit consent, granted on a reciprocal basis. An ambassador is the personal representative of the chief executive of his country. Exemption from the local jurisdiction of the capital in which he works is recognition of the fact that he owes allegiance to his own country, not to the foreign land to which he is accredited.

**600. How far does diplomatic immunity extend?**

The ambassador and his staff are exempt from criminal, civil, police, fiscal, and ecclesiastical jurisdiction of the country to which he is accredited. He has freedom of communication with his government. His couriers have special passports and must not be searched when traveling. Pouches of diplomatic mail are not subject to search by customs or police authorities.

**601. Who assumes the ambassador's duties when he is recalled?**

Usually the secretary of the embassy

takes over his superior's duties when the latter is away. The secretary then becomes chargé d'affaires, except in time of war. In that event, the embassy is turned over to a neutral agent for the duration.

**602. Does diplomatic immunity obtain in the case of consular agents and other officials?**

Not as a matter of right. Some consular officials are immune from local jurisdiction, however, because of treaties. Members of arbitration tribunals and United Nations commissions are also immune. Consuls whose immunity is not covered by international agreement are amenable to the laws of the country in which they are stationed.

**603. What was the Venezuelan Dispute?**

In the nineteenth century there was a prolonged dispute between Great Britain and Venezuela over the boundary between the latter country and British Guiana. In 1895, the British threatened to encroach on Venezuelan territory. Because this threat violated the Monroe Doctrine, whereby the United States undertook to protect Western Hemisphere nations from foreign intervention, President Cleveland took action. On February 17, 1895, he informed Congress that the United States would resist, by "every means in its power," any aggression upon territory found to belong to Venezuela. Great Britain agreed to arbitrate the matter, and war was averted.

**604. Under what circumstances may an ambassador be recalled?**

For any one of a number of reasons, and at the instance either of the government to which he is accredited, or of his home government. The terms of a recall may be forthright or disguised; for example, the foreign country may object to the ambassador on personal grounds (as a *persona non grata*, in diplomatic language) and ask for his removal. On the other hand, the home country may recall its ambassador as a protest — or it may simply call him home for "consultation" and then not let him go back.

**605. When recalled what does an ambassador do?**

The ambassador must ask for his passport. He presents his letter of recall to the chief executive of the country he is leaving, and ceremoniously takes his leave.

**606. How does the power of the Secretary of State compare with that of other high executive officials?**

The political power of the Secretary of State is second only to that of the president. The Secretary of State has the duty of trying to maintain peace and to negotiate economic and political treaties.

**607. Why are propagandists or consultants of foreign powers compelled to register with the Federal Government?**

Such agents, whether of American or foreign nationality, must disclose their connections by registering with the Federal Government. They describe their duties, backgrounds, and affiliations. Thus, the State Department is informed which agents are "lobbying" for specific foreign powers.

**608. Why were United States envoys to London, Paris, and Berlin limited in rank to ministers for more than a century?**

The new American Republic of 1789 was regarded as a dangerous experiment in government, much as the Russian Revolution of 1917 was later regarded with horror. A hundred years passed before the British, French, and German governments elevated their representatives in the United States to ambassadorial rank, and vice versa.

**609. What was the era of "shirt-sleeve diplomacy"?**

Prior to World War I, Secretary of State William Jennings Bryan, the "Great Commoner," dispensed with certain traditional formalities, then common in diplomatic activities.

**610. Are treaties laws?**

Treaties become a part of the "supreme law of the land" when they are made by proper authority and duly ratified, in accordance with the Constitution, by the Senate. Treaties differ from ordinary laws in that they generally call for action by the contracting nations as political sovereign-

ties. Only in infrequent instances, where a treaty prescribes rules by which private rights are determined, is the agreement a real equivalent of an Act of Congress.

**611. What is a treaty or skipket box?**

It has been customary for centuries for a nation signing a treaty to provide a box, either of silver or other fine material, containing the heavy waxen imprint of the Great Seal. The Seal is placed on a ribbon of colors of the national flag, and the imprint is then enclosed in the box. The original purpose of the box was to protect the heavy waxen seal.

**612. On what occasion did the skipket box signify belated recognition of the United States as a major power?**

When the Treaty of Paris with England was signed in 1783, after the Revolutionary War, the British government was sullen and did not expect the Thirteen Colonies to form a durable Union. England therefore sent the treaty in a cheap wooden box. Years later, after it appeared definite that the United States would endure, England replaced the wooden container with a handsome silver box which was elaborately chased with the most skillful and artistic workmanship at her command. It was on this occasion, according to historians, that England officially acknowledged our sovereignty.

**613. What happens if a treaty conflicts with existing Federal law?**

The Supreme Court has ruled (*Lone Wolf vs. Hitchcock*, 187 U. S. 553, 1903): "It is well settled that in case of a conflict between an Act of Congress and a treaty — each being equally the supreme law of the land — the one last in date must prevail."

**614. What is extradition?**

Extradition is the surrender of fugitives from justice by one state to another, on demand for trial. This, of course, must be a voluntary act on the part of the extraditing state, and depends on the existence of a treaty, defining the specific offenses which each of the contracting countries will recognize as ground for the surrender. In

general, extradition treaties apply only to acts which are considered crimes in both countries.

**615. What was the first major disarmament conference in which the United States participated?**

In 1921, President Harding called the Washington Conference, to discuss the limitation of national armament "in connection with which Pacific and Far Eastern questions could also be discussed." Great Britain, France, Italy, and Japan were first invited; later, China, Belgium, the Netherlands, and Portugal were included. Limitation on military armament was practically ruled out of the Conference's agenda by France's attitude, but the nations formulated several treaties concerning naval armament and other questions, as follows:

1. A nine-power treaty relating to principles to be followed in matters concerning China, and another relating to Chinese customs tariff.
2. A five-power treaty in relation to the use of submarines and noxious gases, and another limiting naval armaments.
3. A four-power treaty in relation to insular possessions and dominions in the Pacific; and a three-power agreement defining "insular." The signatories of the four-power pact were the United States, Great Britain, France, and Japan. Japan did not participate in the second agreement concerning definition of "insular."
4. A Chinese-Japanese treaty regarding the Shantung Peninsula, which had been held by the Germans prior to World War I.

**616. What is the essence of the Monroe Doctrine?**

The "Monroe Doctrine" was a statement in President Monroe's message to Congress on December 2, 1823, that the United States would consider any attempt by European countries to extend their system to any part of the Western Hemisphere as "dangerous to our peace and safety"; also that the United States did not intend to interfere with existing European colonies or dependencies. In 1941, Congress declared that the United States would not recognize a transfer of any geographic region of the Western Hemisphere from one European country to another. The Doctrine states a case of the United States vs.

Europe, not of the United States vs. Latin America.

**617. What agreements have the American republics made in regard to the taking of joint military action in the event of aggression against an American state?**

The Act of Chapultepec concluded at Mexico City, 1945, has been implemented by the pending Inter-American Treaty of Reciprocal Assistance negotiated at Rio de Janeiro in 1947. Article 3 binds the contracting parties "to assist in meeting" an armed attack by any state against an American state.

**618. Why was April 14 selected to be Pan-American Day?**

Pan-American Day is observed on April 14 because on that date in 1890 the First International Conference of American States, meeting in Washington, D. C., adopted a resolution which resulted in the creation of the organization known today as the Pan-American Union.

**619. When did the international exchange of students among the American republics under Government auspices begin?**

Proposals for the exchange were approved at the Buenos Aires Conference of 1936 and the Lima Conference of 1938, but exchanges did not actually begin until 1939. An Act of Congress, approved August 9, 1939, authorized the United States to participate in exchange of persons with the other American republics.

**620. What countries exchange students with the United States?**

This Government's travel-and-maintenance-grants program is carried out with all the other American republics. The Buenos Aires Convention program is carried out with the fifteen governments in the other American republics which signed the Convention. The countries which did not ratify the Convention are: Argentina, Ecuador, El Salvador, Cuba, and Uruguay.

**621. How many students are exchanged with each country? What qualifications are required?**

The Buenos Aires Convention provides for annual reciprocal exchange of two students from each participating country. In the case of United States students, selected under the travel-and-maintenance-grants program, the quota factor is not considered, and the students selected travel to the country of their choice. In the case of students from the other American republics, selected under the travel-and-maintenance-grants program, a rough quota of grants not rigidly adhered to is based on the size of the country from which the applications are received. Under either the Buenos Aires Convention or the travel-and-maintenance-grants program, the student must have completed his college course and be doing graduate work.

**622. What are the terms of awards to students under the Buenos Aires Convention and the travel-and-maintenance-grants program?**

Under the Buenos Aires Convention, the student's government or the student himself pays travel expenses. The receiving country pays for his tuition and fees, books, and incidentals, and furnishes a maintenance allowance. In the United States, the maintenance allowance is \$135 per month, and the allowance for books and incidentals is \$450 per year. Under the travel-and-maintenance-grants program, the amount of travel and maintenance awarded to any student is based upon the amount which the student himself is able to furnish. The maximum maintenance allowance for a student from the other American republics is \$135; for a United States student in one of the other American republics, \$150.

**623. Does the United States send students to the Latin American countries?**

The United States Government operates two programs administered by the Department of State under which United States graduate students may receive grants for study in the other American republics. First, under the appropriation for Cooperation with the other American Republics a limited number of travel-and-maintenance-grants are annually available for study in the countries of the students' choice. This program, suspended during the war, was resumed in

1946. Second, under the provisions of the Convention for the Promotion of Inter-American Cultural Relations, United States graduate students may study in any of the fifteen American republics which have ratified the Convention. The United States Government pays the students' traveling expenses, and the receiving governments provide tuition and maintenance. This program, also suspended during the war, is being resumed in 1948.

Under the Fullbright Act (Public Law 584, 79th Congress, 2nd Session) other foreign countries may exchange students with the United States.

**624. Can American students attend foreign colleges or universities under the G. I. Bill?**

Yes, they may attend foreign schools which have been approved by the Veterans Administration. Currently, about 1500 schools are on the approved list.

**625. What was the significance of the San Francisco Conference of 1945?**

The San Francisco Conference brought together the Allied governments of World War II to lay the groundwork for the United Nations and the establishment of the United Nations' Security Council. At this San Francisco Conference, the much discussed and debated veto power was given to members of the Security Council. The Conference also agreed to ban Spain from the United Nations as long as the Franco regime remained in power in Spain; Argentina was admitted to the United Nations. The Security Council's charter was signed at San Francisco, the United States being represented by President Truman; Secretary of State Edward R. Stettinius; and Senators Tom Connally of Texas, then chairman of the Senate Foreign Relations Committee, and Arthur Vandenberg of Michigan, then ranking minority member of the Foreign Relations Committee.

**626. What is the relationship between the State Department and the United Nations?**

The United Nations is a "public international organization" in which the United States participates through its State Department. The United States is represented at United Nations

Headquarters at Lake Success, Nassau County, New York, by former Senator Austin of Vermont.

- 627. What international organizations in which the United States takes part include military and naval, rather than diplomatic representatives?**

The Combined Chiefs of Staff, United States and Great Britain, include the president's personal chief of staff; the chief of naval operations; the chief of staff of the United States Army; the commanding general of the Army Air Forces; and one Army colonel and one Navy captain. The Joint Brazil-United States Defense Commission and the Joint Mexican-United States Defense Commission consist of Army and Navy personnel. The United States also participates with Great Britain in a Combined Shipping Adjustment Board.

- 628. May the Secretary of State or any other Cabinet officer appear on the floor of either House to answer questions, as British Foreign Ministers appear before Parliament?**

No. There has been considerable agitation since 1919 for extending the privilege of the floor to Cabinet members, but numerous bills to this effect have failed to be enacted.

- 629. May Department heads make reports on the House or Senate floor?**

No. The precedent in this matter was set by the First Congress in the case of Alexander Hamilton, the Secretary of the Treasury. He had prepared an elaborate plan for dealing with the Federal credit — including the assumption of state debts — and hoped to present his plan personally to the House. The representatives thought that permission to Hamilton to exhibit his reports on the House floor would create “grounds for an aristocracy or a detestable monarchy.” Madison then proposed that heads of Departments prepare plans but not report them verbally. Hamilton's plan was therefore presented to the Congress in written form. In the field of foreign policy, the Secretary of State and his assistants are frequently asked to testify before House and Senate committees or to receive groups of senators and representatives in the Secretary's offices at the State Department for conferences on international relations.

- 630. May a Department head participate in an executive session of the Senate?**

This has happened in one instance. On June 22, 1789, Secretary of State John Jay met in executive session with the Senate. Since then Cabinet members have appeared in the Senate only as guests or messengers.

*Finance Admin*

## DEPARTMENT OF THE TREASURY

- 631. When was the Department of the Treasury created?**

The First Congress, by act of September 2, 1789, established a Department of Treasury. Alexander Hamilton was appointed the first Secretary and assumed office September 11, 1789.

- 632. What are the main functions of the Treasury Department?**

The Treasury is responsible for the collection of national revenue, the control of narcotics, the operation of the Coast Guard and the Secret Service, the control of currency, the printing and coining of money, and the enforcement of tariff and customs regulations.

The scope of the Treasury Department's responsibilities can be clearly pictured in terms of its main units: the Bureau of Internal Revenue; Bureau of Customs; the United States Coast Guard; the Bureau of the Mint; the Bureau of Printing and Engraving; the Office of the Comptroller of the Currency; the Bureau of Narcotics; the United States Secret Service; the Procurement Division; the Fiscal Service; the Office of the Tax Legislative Counsel; the Division of Monetary Research; the Foreign Funds Control; the Division of Tax Research; the United States Savings Bonds Division; and the Committee on Practice. In wartime, the Coast Guard comes under the control of the Navy.

**633. What are the sources of Federal Government revenues?**

The nation's main revenue is from income taxes — on salaries, wages, fees, profits, interest, dividends, rents, and royalties. Large sums are also realized in the form of inheritance taxes, taxes on the manufacture and sale of liquors, tobacco, matches, playing cards, chewing gum, firearms, cosmetics, drugs, luxury goods, certain kinds of food, and on gasoline; from customs duties on imports; taxes on theater tickets; club dues; the transfer of stocks and bonds; and taxes on capital stock. During the war a substantial share of the national government's income came from taxes on the excess profits of corporations.

In addition, the Federal Government maintains a tax on payrolls in many industries in order to pay part of the cost of Social Security Insurance, old-age benefits, and benefits to wives and children of deceased workers. The Government obtains other funds through the sale of government property, the tolls paid by ships passing through the Panama Canal, and interest payment on loans made by Federal agencies.

**634. Who is actually the custodian of the public moneys?**

The Treasurer of the United States, not the Secretary of the Treasury. The Treasurer's signature appears on all currency. He is bonded in the sum of \$150,000. Neither the Secretary of the Treasury nor any other Cabinet officer is bonded.

**635. How secure is the Treasury vault in Washington?**

The United States Treasury vault is built of reinforced concrete encased in special plates of chilled steel and impervious to every known cutting device, compressed flame torch, or chemical. All locks are electrically controlled. Should the combination be lost, forcing an entrance to the vault would take several days.

**636. Has the national government ever been debt-free?**

Although the national debt has never been actually liquidated, the Treasury had sufficient funds in 1835-36, during President Jackson's sec-

ond term, to meet all outstanding indebtedness. Thus, the Government was out of debt at that time.

**637. What was the Treasury Department's lowest balance for a single day?**

On December 31, 1789, the balance was \$28,239.61.

**638. What are "consols"?**

"Consols" is an abbreviation used in reference to bonds issued in refunding older issues which are outstanding at a higher interest rate. Older issues are "Consolidated," at lower interest rates. To compensate for the lower yield, the consolidated issues have a longer maturity. Two such issues are still outstanding — although the interest has long since ceased — viz: consols of 1867 and 1930. The issue of 1930 was dated April 1, 1930, payable at the pleasure of the United States after thirty years.

**639. When does the Treasurer of the United States draw the largest checks?**

When he turns over the public funds to his successor, the Treasurer must write a check in the amount in his custody. This runs into many billions of dollars.

**640. Who were the first United States Cabinet officials to receive their pay from the Treasurer of the United States?**

Secretary of State Thomas Jefferson, 1789, received \$3,500 per year. Secretary of the Treasury Alexander Hamilton received the same salary, beginning also in 1789. The Secretary of War, Henry Knox, was paid \$3,000 beginning in 1789. Postmaster General, Samuel Osgood, received \$2,500; and the Attorney General, Edmund Randolph, \$1,500.

**641. In what respect is the Secretary of the Treasury a powerful banker?**

The Treasury Department controls important functions of Government finance, including the securities used to finance our huge national debt of more than \$250,000,000,000.

**642. What is a national bank note?**

The National Banking Law of February 25, 1863, authorized the incorporation of national banks entitled to issue circulating notes secured by deposit of United States bonds. In March, 1935, more than \$800,000,000 of these national bank notes were in circulation when the bonds serving as collateral for them were retired, thus halting further issue. Outstanding national bank notes have been cancelled on receipt at the Treasury.

**643. What are national bank examiners?**

They are appointees of the Comptroller of the Currency, with the approval of the Secretary of the Treasury. They have authority to examine the affairs of national banks, which operate under a Federal charter. National banks also are subject to examination by the Federal Deposit Insurance Corporation and the Federal Reserve System, which seldom exercise such authority.

**644. What is the Federal Deposit Insurance Corporation?**

The FDIC was organized under the Banking Act of June 16, 1933. Every depositor is protected up to \$5,000 in deposits in banks insured by FDIC.

**645. Why does the Comptroller of the Currency report to the Speaker of the House of Representatives and not to the Secretary of the Treasury?**

The Comptroller reports to the Speaker presumably because the House has sole power to originate all bills for revenue. The Comptroller functions under the direction of the Secretary of the Treasury, however.

**646. When was the First Bank of the United States chartered?**

In 1791, by Act of Congress. Its authorized capital was \$10,000,000, one-fifth of which was subscribed by the Government.

**647. Who really holds the purse strings of the nation — Congress or the Comptroller General?**

Congress alone can make the money available for expenditure, and the actual expenditure

must be approved by the Comptroller General, who heads the General Accounting Office, an independent unit. If for any reason, the Comptroller General disallows a particular expenditure, the disbursing officer is liable for the amount.

**648. What is the tenure of the Comptroller General?**

He is appointed for a fifteen-year term, and his agency is an adjunct of the Congress rather than the executive branch. The Comptroller General is not eligible for reappointment after serving a fifteen-year term, and he and the Assistant Comptroller General are compulsorily retired on reaching the age of seventy years.

**649. What is the significance of the Sixteenth Amendment to the Constitution with regard to the Treasury Department?**

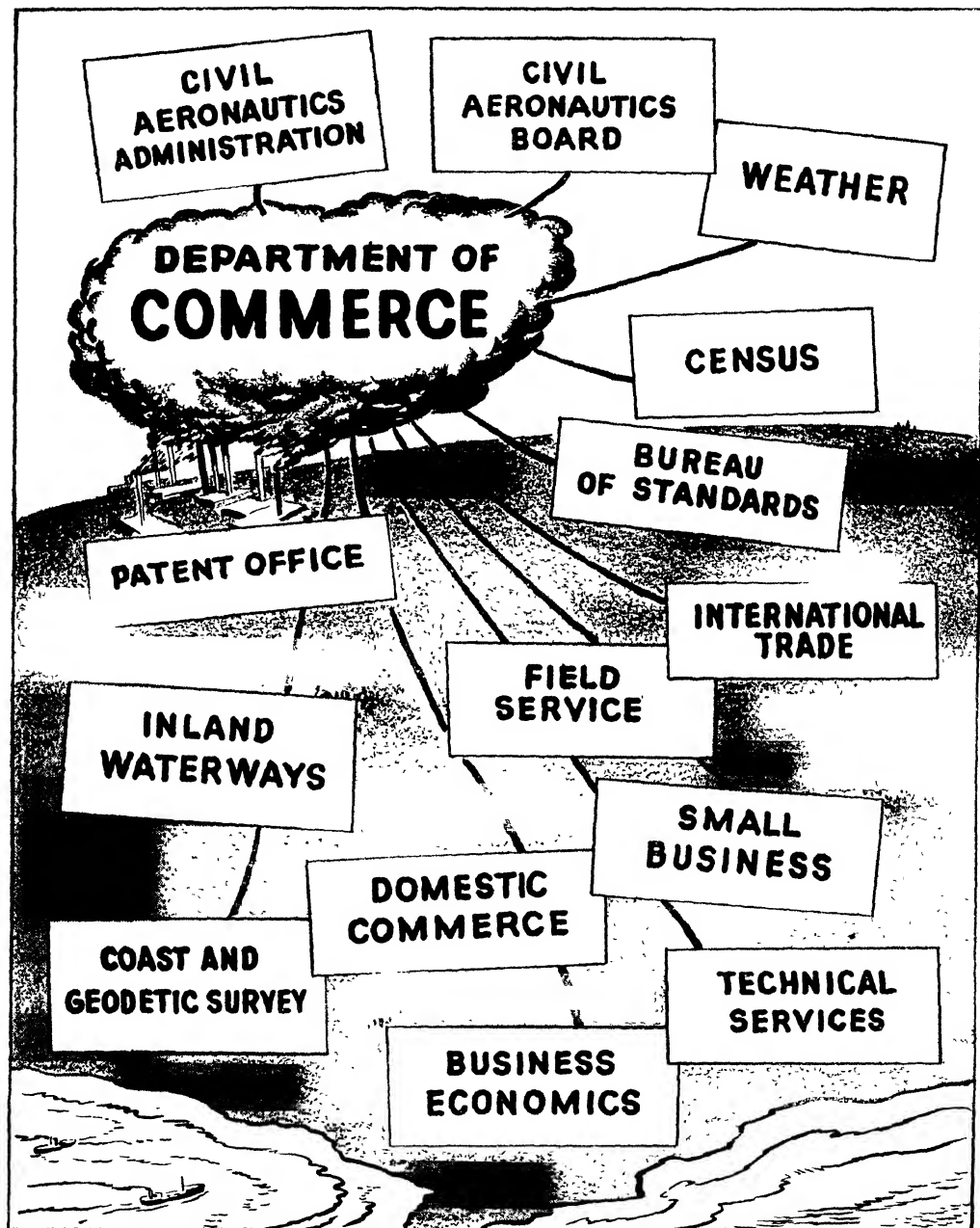
The Amendment authorized the levying of income taxes by the Federal Government "from whatever source derived, without apportionment." Previously income taxes had been apportioned among the states according to population, as directed by Art. I, Sec. 2, Cl. 3 of the Constitution; only such income taxes as were *indirect* could be levied without regard to apportionment. The Amendment was the direct outgrowth of a decision of the Supreme Court (*Pollock vs. Farmers' Loan & Trust Company*, 157 U. S. 429) which held that a tax on income from property was a direct tax, and must be apportioned.

**650. What is the function and structure of the Bureau of Internal Revenue?**

The Bureau, headed by a commissioner, administers sixty-five collection districts throughout the nation, each headed by a collector, aided by hundreds of deputies. It is their duty to ascertain whether income tax returns are being properly and punctually filed and to collect all due taxes.

**651. Can anyone who resigns from the Bureau of Internal Revenue practice law against the Government immediately upon resignation?**

Yes, with certain restrictions. He cannot for a period of two years after leaving office prose-





cute or assist in prosecuting any case which was pending in the Bureau while he was employed therein. He must also be enrolled to practice before the Bureau. Each Government department has its own regulations, some of which forbid practice within a certain time limit.

**652. What is the meaning of "income" under the Sixteenth Amendment?**

For broad general purposes income is the gain derived from capital or labor or from the combination of both, including gains from capital assets. The Supreme Court has defined income as follows: "Income is fruit born of capital, and not potency of fruition, and with few, if any, exceptions, it is income as the word is known in common speech."

**653. Has the Treasury Department's Secret Service always been responsible for guarding the president?**

No. This function has been assigned to the Treasury Department for less than fifty years. The presidents always received local police protection but not until President McKinley was shot in Buffalo in 1901 was the decision made to vest responsibility in the Secret Service for protection of the chief executive. The "S. S." had been concerned up to that time with prevention of counterfeiting and similar crimes. Beginning in 1906, annual appropriations were made specifically for "protection of the person of the President of the United States." In 1913 this protection was extended to the president-elect, and in 1917 to the "immediate family" of the president. He is under guard twenty-four hours a day.

**654. May the United States Treasury accept gifts from individuals for a specific purpose?**

In the eighty-three days between the Japanese attack on Pearl Harbor, December 7, 1941, and February 28, 1942, the Treasury Department received about \$750,000 from 15,000 people with the request that it be used specifically for the purpose of avenging Pearl Harbor. The law at that time provided that such money be placed in the "miscellaneous receipts" account and await appropriation by Congress for its expenditure. However, in the Second War Powers Act, Con-

gress empowered the Secretary of the Treasury to receive such contributions as had been designated for a certain purpose and to use them "as in his judgment will best effectuate the intent of the donors."

**655. What is the Treasury's "conscience fund"?**

The Treasury Department continually receives money sent in anonymously by citizens who think they owe the money to the Government because of income tax evasions, falsifications, or neglect in other years.

**656. Has any Secretary of the Treasury ever served both in the Senate and the House before taking the Treasury portfolio?**

Albert Gallatin became Secretary of the Treasury in 1801, after three terms in the House and a short period in the Senate. He had been elected to the Senate by the Pennsylvania legislature in 1793, but was unseated the following year on the ground that he had not been a United States citizen for nine years and was therefore ineligible. Gallatin was a native of Geneva, Switzerland, and lived in western Pennsylvania at the time of his election to the Senate. He became an expert on financial legislation in the Pennsylvania legislature and was responsible for the establishment of the House Ways and Means Committee in Congress. He was Secretary of the Treasury for thirteen years.

**657. What is the Federal fiscal year?**

It begins July 1 and ends the following June 30; e.g., the fiscal year 1948 is the twelve months ending June 30, 1948. The United States Treasury has followed this practice since 1843, and at the end of the fiscal year, accounts are balanced and receipts and disbursements checked. Many states adhere to the conventional calendar year.

**658. What is an assay office?**

An assay office is a Treasury establishment, operated by the Bureau of the Mint, in which unrefined gold and silver are assayed, processed, and refined and made into bars with government certification of their weight and quality. Assay offices are maintained in New York, New Orleans, and Seattle. An assay office bar of gold or

silver is stamped by the Government to distinguish it from bars made in private or commercial offices.

**659. Who was the first woman employed by the Government?**

Miss Jennie Douglas was hired by F. E. Spinner, Treasurer of the United States, on October 9, 1862, to cut and trim currency. Since then the employment of women in the Government has increased to such an extent that the ladies now outnumber male personnel.

**660. Can a Treasury or any other official hold two Federal appointive offices and receive emoluments from both?**

The law provides that no person may receive salary from two Federal offices if the total exceeds \$2,000, and that no one holding an office at a salary of \$2,500 or more may accept another office at any salary unless authorized by law. During World War II, when Jesse Jones was appointed Secretary of Commerce, Congressional authorization was necessary to permit him to continue holding his post as Federal Loan Administrator. He drew only the salary of a Cabinet member.

**661. What was the Sherman Silver Purchase Act?**

This Act authorized the United States to purchase 4,500,000 ounces of silver monthly, giving notes in payment. The bill, passed in 1890, represented the nearest approach possible to a free coinage measure and was enacted after another bill calling for free and unlimited coinage of silver had failed to pass. The Sherman Act was repealed in 1893.

**662. What was the Bland-Allison Silver Act?**

The Bland-Allison Act of 1878 provided a government subsidy for silver producers. The Government could buy from two to four million dollars' worth of silver monthly and coin it into silver dollars only. President Hayes vetoed the bill but was overridden by Congress.

**663. What was the "Crime of '73"?**

In that year the coinage law of February 12 omitted the silver dollar from the list of silver

coins, and gold became the single coinage standard. The West was then developing its silver resources on a large scale, and the 1873 act demonetized silver, to the detriment of the West. Hence the expression, "Crime of '73."

**664. What is the difference between a gold bond and a gold certificate?**

A gold bond is an obligation of the United States payable (prior to June 5, 1933) in gold. The act of June 5, 1933, prohibited further payment in gold and declared any such obligations duly discharged upon payment, dollar for dollar, in any form of legal tender. A gold certificate, on the other hand, is a certificate issued against the deposit of gold coin or bullion, in amounts not less than ten dollars or twenty dollars respectively.

**665. To what extent has the gold dollar been reduced in weight?**

Under the act of January 30, 1934, the gold dollar has been reduced from 25.8 grains, which had been the standard since 1873, to 15-5/21 grains, or 59.06 per cent of its former weight.

**666. What is legal tender?**

Any particular form of money which must be accepted by a creditor in payment of a debt is legal tender. But there are limits to the legal tender properties which have been given to the various forms of money. Thus a penny or a nickel is legal tender up to the amount of twenty-five cents only. A creditor need not accept one hundred pennies in payment of a debt of one dollar. Dimes, quarters, and half-dollars are legal tender in an amount up to ten dollars. Silver dollars, silver certificates and Federal Reserve notes are legal tender in any amount. United States notes are legal tender for all debts, except duties on imports and for interest on the public debt. Congress has sole power to regulate legal tender and, in having done so, has distinguished between public and private debts as well as between the different forms and denominations of currency.

**667. Does the United States mint coins and print currency for other nations?**

Yes. For instance, in 1941, coins were minted for the Netherlands East Indies, Liberia, French Indo-China and the Dominican Republic

to the total of 170,672,508 pieces. Currency was printed for the Chinese Republic and for the invasion of European countries in World War II, when Germany held the Continent. It is done on a contract basis.

**668. Where are American coins minted?**

In Philadelphia, Denver, and San Francisco, the Philadelphia mint being the oldest. It was established in 1793. A tiny letter on the obverse side of every coin tells where it was made, the imprint being "P," "D," or "S." Coinage mints once in operation at New Orleans and Carson City are discontinued. The first coins, one cent and half-cent pieces, were minted on a hand press in Philadelphia in the presence of George Washington. Now coins are turned out by hydraulic die-stamping machines.

**669. What is the status of silver as a money standard?**

Silver is a commodity with a fluctuating price that has ranged from 24 cents to \$1.38 per ounce. It has long been stabilized in price at 71 cents per ounce.

**670. Does the Government purchase rare coins?**  
No.

**671. Is there a Government profit on the five-cent coins?**

The Government realizes a profit of one and two-tenths cents on every five cent piece, which consists partly of silver and partly of copper. During the war, the metal, nickel, was diverted to war purposes rather than to coinage.

**672. How much paper currency is printed?**

About \$16,000,000 worth daily. The paper is made by a secret process, and contains fibers that are three-fourths linen and one-fourth cotton, with various colored silk threads woven into the material. Such paper may not be used for any other purpose.

**673. How is currency printed?**

Engraved plates are made, then duplicates of these plates are reproduced by a mechanical process. From these duplicates, paper money is printed. No one engraver prepares an original

engraved plate in its entirety. This procedure guards against counterfeiting.

**674. What happens to mutilated currency?**

The Treasury has laundry machines through which badly soiled money is run and "cleaned." Money so soiled or torn as to be unfit for circulation is destroyed by maceration. A machine chews up this currency in such fashion that the resulting pulp can be used over again. Prior to the installation of maceration machinery in 1874, money was destroyed by burning.

**675. What is fiat money?**

This is "faith" money — money which has no real value because it is not redeemable in coin but which the Government has, by decree, compelled the acceptance of at face value for the payment of debts. Examples of fiat money are the currencies issued by the Continental Congress and the greenbacks of the Civil War era. The expression, "Not worth a Continental," dates back to the Revolutionary War. The Civil War greenbacks were not made redeemable until 1875.

**676. What is demonetization?**

The removal of standard monetary value from a metal. The term also is applied to a coin issue that has been withdrawn from circulation.

**677. What is the cost of printing a \$10,000 bill?**

Approximately .0069 cent — the same as the printing of a one dollar bill.

**678. When did the Government begin printing its own "greenback" currency?**

By Act of Congress on July 11, 1862, the Secretary of the Treasury was authorized to "engrave, print, and execute" at the Treasury Department the issue of greenbacks. Prior to this time, engraving and printing had been done by private contract. The act of 1862 brought about the beginning of the Bureau of Engraving and Printing, which now designs, engraves, and prints all Government currency, bonds, notes, stamps, and other types of reproduction work for the Treasury Department.

**679. What is the oldest flag now in use?**

The Coast Guard's "Revenue Marine Service" flag, unchanged since March 2, 1799. It consists of sixteen perpendicular stripes, representing the thirteen original colonies and Ver-

mont, Kentucky, and Tennessee; and a white union bearing the coat of arms of the United States surrounded by thirteen stars in a semi-circle. The perpendicular stripes are alternately red and white.

## NATIONAL SECURITY ORGANIZATION

**680. What is the early history of the office of Secretary of War?**

An Act of Congress on August 7, 1789, established the War Department and provided for a "principal officer therein, to be called the Secretary of the Department of War." A month later, Congress fixed the salaries for Cabinet members and referred to the civilian head of the War Department as "Secretary in the Department of War." Other early acts in 1792, referred to the post as Secretary of War, which was the title under the Articles of Confederation. The name now is Secretary of the Army.

**681. What act authorized the unification of the Armed Services?**

Public Law 253, Eightieth Congress, approved July 26, 1947.

**682. What is included in the National Military Establishment?**

There are three main departments — the Department of the Army, the Department of the Navy, and the Department of the Air Force. In addition there is a National Security Council, a National Security Resources Board, a War Council, the Joint Chiefs of Staff, the Munitions Board, and the Research and Development Board.

**683. What are the chief policy advisory agencies under the new organization?**

There are two main agencies: (a) the National Security Council and (b) the War Council. The National Security Council advises the president concerning the integration of domestic, foreign, and military policies relating to the national security. The War Council advises the Secretary of Defense (who is the president's principal assistant in national security matters) on matters relating to the armed forces.

**684. Who are members of the National Security Council?**

The President of the United States (who shall preside over meetings of the Council unless another member is designated by him to preside in his absence), the Secretaries of Defense, Army, Navy, and Air Force, the chairman of the National Security Resources Board and certain other officers named by the President.

**685. Which agency will be concerned with planning?**

The National Security Council planning staff. The Coordinator is furnished by the State Department. The Departments of State, Army, Navy and Air Force each provide a member.

**686. What is the function of the National Security Resources Board?**

It advises the president concerning the coordination of military, industrial, and civilian mobilization.

**687. Who are responsible for operations?**

The Secretaries of the Army, Navy, and Air Force are directly responsible for operations, including all aspects of administration, personnel, training, procurement, etc., subject to the general direction of the Secretary of Defense.

**688. What is the proper title of the head of the national military establishment? What does he do?**

The Secretary of Defense. He is charged with general direction and control over all departments and agencies of the National Military Establishment and replaces the Secretaries of War and Navy as a member of the Cabinet.

**689. Must the Secretary of Defense be a civilian?**

He must be a civilian and he must not have been on active duty as a commissioned officer in a regular component of the Armed Services in the previous ten years.

**690. What provision does the Act make for intelligence activities?**

Under the National Security Council there is a Central Intelligence Agency with a director, appointed by the president, who may be either an officer or a civilian. Its function is to coordinate the intelligence activities of the government agencies, in the interest of national security, and to evaluate and disseminate information relating to security.

**691. Is the head of the Central Intelligence a civilian or a military man?**

He may be either. The first man appointed to the post is a rear admiral.

**692. Will the new Central Intelligence Agency supervise the Federal Bureau of Investigation?**

No, but the FBI upon written request of the Director is required to furnish national security information to the Central Intelligence Agency for correlation, evaluation, and dissemination.

**693. Is all aviation included in the new Department of the Air Force?**

No. Both the Army and the Navy retain such aviation as is organic in each. The Department of the Air Force, however, is entirely separate and has equal rank with the other two departments.

**694. What are the functions of the Joint Chiefs of Staff?**

They prepare strategic and logistic plans, establish unified commands in strategic areas, and perform other related duties. They act as principal military advisers to the President and the Secretary of Defense.

**695. What does the Munitions Board do?**

It coordinates activities with regard to industrial matters, and plans for the military aspects of mobilization.

**696. What provision is made for scientific research?**

The Research and Development Board advises the Secretary of Defense as to the status of scientific research relating to the national security, and aids him in assuring adequate provision for research and development on scientific problems.

**697. What control do the Departments of the Army and the Navy exercise with regard to atomic research?**

Both Departments have representation on a liaison committee which services the Atomic Energy Commission, an independent unit. Atomic energy research is under civilian control in the United States. The Commission, headed by David Lilienthal, consists of members nominated by the president and confirmed by the Senate. They are not permitted to engage in professional activities other than serving on the Commission. The Commission acquired control of all atomic energy plants of the Manhattan Engineer District (United States Army) on January 1, 1947.

**698. Is the Merchant Marine incorporated in the new National Military Establishment?**

No.

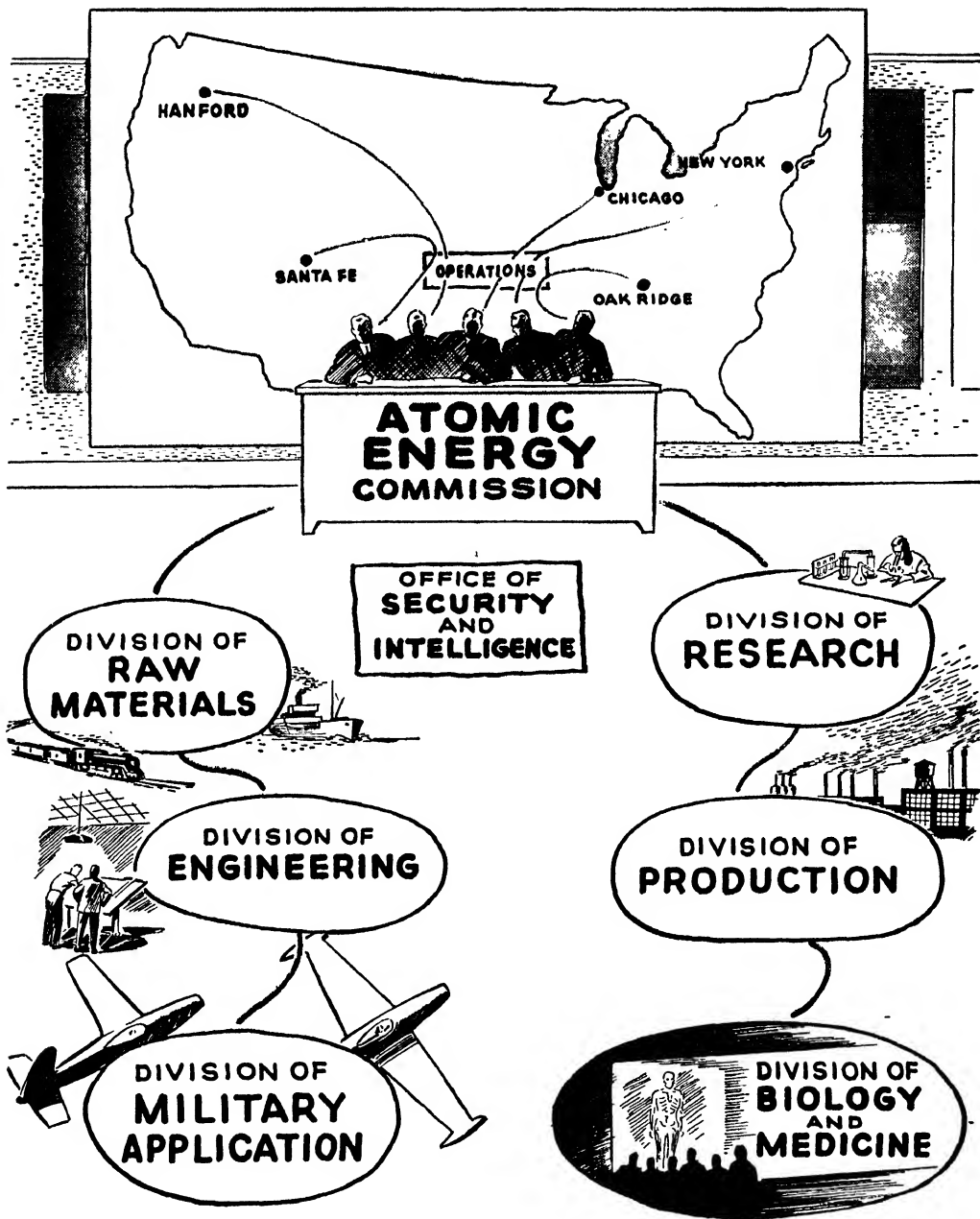
**699. Why is April 6 observed as Army Day?**

On April 6, 1917, the United States declared war on Germany in World War I. Since then, the Army has commemorated that event annually in the form of parades, inspections, and demonstrations of America's military power.

**700. When did World War II officially begin?**

On September 1, 1939. Germany invaded Poland, which had protective treaties with France and Great Britain, providing for aid from these countries in the event of Poland's invasion. The British Parliament declared war on Germany approximately 3 A.M. September 3, and two hours later France declared war. Both declarations were described "as a result of the German aggression against Poland."

**701. What is the difference in rank between the Army chief of staff and a full general in the Army?**



The Army chief of staff wears five stars, the highest rank possible for any uniformed service man. A full general wears four stars. A five-star general is a General of the Army.

**702. What soldiers have held four-star rank in the United States Army?**

Grant, Sherman, and Sheridan in the Civil War, and Pershing in World War I. In World War II, four-star rank was given to Generals Eisenhower, Marshall, Arnold, Patton, Bradley, Kenney, Somervell, McNary, Spaatz, Clark, and Clay. As Army chief of staff, Eisenhower acquired five-star rank, as had his predecessor, General Marshall. General McArthur also was named a General of the Army with five stars.

**703. What is the oldest branch of the United States military service?**

The Marine Corps, which goes back to 1775. These "sea soldiers" are under the direction of the Navy Department.

**704. What Navy Department official resigned to become leader of a military force in the Spanish-American War?**

Theodore Roosevelt. Roosevelt had been appointed Assistant Secretary of the Navy in 1897, but with the advent of hostilities with Spain, he resigned May 6, 1898, and together with Leonard Wood organized a cavalry regiment and succeeded in having it included in the American Expeditionary Forces. As colonel of this regiment, the "Rough Riders," and particularly because of his exploits at the battle of San Juan, Roosevelt acquired popularity that gained him the governorship of New York in defiance of the old guard Republican machine headed by Senator Platt.

**705. What is the traditional objective of the Navy?**

The Navy maintains warships and aircraft for the defense of the nation and is responsible for the protection of our outlying possessions and commerce.

**706. What are the functions of the Navy?**

The Navy organizes, trains, and maintains naval forces; constructs and equips vessels, navy yards, and bases; maintains the Naval Academy

at Annapolis, Maryland, for the training of officers; maintains other schools for the training of officers and enlisted men; and conducts maneuvers for promoting the efficiency of men, ships, and aviation. In addition, the Navy maintains the United States Marine Corps, operates research laboratories for the development and improvement of equipment, maintains a system of ship-to-shore communications, and supplies maps and charts for the aid of navigation by sea and air. The Navy also operates gun factories and observatories; the Naval Observatory sets a standard of time throughout the country and checks the accuracy of all navigating instruments for ships and aircraft.

**707. What status has the Navy held with regard to foreign policy?**

Since the turn of the century, the policy of the United States in the Pacific and Far East has been based largely on our naval strength. The Navy has been responsible for the governing of certain island possessions in the Pacific and for their fortification when so authorized by Congress. President Theodore Roosevelt demonstrated to the world that the United States had become a major power when he sent the United States Navy around the world. During the 1941 international crisis, when the United States attempted to check Japanese aggression by diplomatic means, the steps taken by the State Department were based in part on the naval power available in the Pacific to back up the nation's foreign commitments. The growth of military air power in America and its spectacular achievement in World War II have given the Air Corps equal status with the Navy and Army Ground Forces, and the Navy is not universally considered the nation's "first line of defense," as was true in other decades. But the Navy continues to be on duty to carry out any duties which the president, as commander in chief, may order.

**708. Have any new territories been acquired by the United States as a result of World War II?**

The Japanese Mandated Islands, including the Marshalls, Carolines, and Marianas (Guam, in the Marianas, formerly belonged to the United States and had been captured by the

Japanese). The status of certain other islands, such as the Bonins, Okinawa, and its surrounding islands, has not yet been definitely settled.

**709. How are these territories governed?**

The Marshalls, Carolines, and Marianas are under a naval civil government until such time as the president designates a civilian agency to take control. The Bonin Islands are under a naval military government, while Okinawa is under Army control.

**710. Who administers Guam?**

Guam is a naval station and saluting port under the jurisdiction of the Navy Department of the United States. The island was captured during the Spanish-American War on June 21, 1898, by the U. S. S. *Charleston*. A garrison of marines and a shore naval force have normally been maintained there. The port is closed to all foreign vessels of war and commerce except in special cases. Permission to visit the island must be obtained from the Navy Department in each case.

**711. Who is the governor of Guam and how is he chosen?**

The governor is a naval officer appointed by the president of the United States. Usually he serves for about two years although the term is determined by custom, not by law. There is a local legislature which initiates most laws subject to approval of the governor. Deadlocks are referred to the Navy Department.

**712. How and when did the United States acquire the Samoa Islands?**

Prior to 1872 the group of islands known as the Samoa Islands belonged to Great Britain and Germany. In that year, Great Britain ceded the harbor of Pago Pago in the Island of Tutuila to the United States for a naval and coaling station. Finally, in 1899, by treaty between the three countries, Great Britain and Germany renounced to the United States all rights in islands east of 171° W, the rest being assigned to Germany. In 1925 the United States annexed Swains Island to the north; the total area of our Samoan possessions is only seventy-six square miles, slightly larger than the District of Columbia.

**713. Why is the Arctic frontier of vital importance to us today?**

The new long-range aircraft which have come into use in the past few years have made it possible to utilize air routes across the Arctic regions. The shortest distance between the United States and the Far East is a line extending across the north-polar area. In addition, it is in this area that our boundaries touch those of Russia. As our means of transportation improve there is also a possibility that some of the mineral deposits found in polar regions, both the north and the south, may be opened up to commercial use. The polar regions also contain some of the few remaining areas of the globe which have not been thoroughly explored and charted. The establishment of bases for national defense in these areas is, of course, a matter of the greatest importance.

**714. When did the United States Navy begin its Arctic explorations? Who was the moving spirit?**

An expedition under the command of Lieutenant Edwin J. de Haven left New York on May 22, 1850. There was considerable opposition expressed in the Senate to placing officers of the United States Navy in charge of a civilian-sponsored project. Henry Clay vigorously supported the measure and it was largely due to his efforts that approval was finally given by the Senate.

**715. How many and what kind of ships were used in this first expedition?**

Two brigs, the *Advance* and the *Rescue*. The Navy furnished officers and crew, under authority of Congress (Joint Resolution of May 2, 1850). The brig *Rescue* was under command of Midshipman S. P. Griffin. Altogether there was a complement of thirty-three officers and men.

**716. Who financed the expedition?**

Henry Grinnell, a wealthy New York merchant furnished the two ships at his own expense. A strip of land sighted by the expedition was named Grinnell in his honor.

**717. What reason was given for the expedition?**



Secretary of the Navy William B. Preston instructed Lieutenant de Haven that the purpose of the expedition was to find Sir John Franklin, an English explorer who disappeared while searching for the Northwest Passage. To accomplish his mission, de Haven was to explore Lancaster Sound and possibly Jones Sound and Smith Sound, depending upon the conditions he encountered. A secondary object was to acquire scientific information.

**718. Who was the first American explorer to reach the North Pole?**

Robert E. Peary on April 6, 1909.

**719. How are the names of United States warships chosen?**

Battleships are named for states; cruisers for cities; destroyers for famous persons; submarines for fish; aircraft carriers for famous battles and naval vessels; and mine sweepers for birds.

**720. What is the highest award given to military personnel in the United States?**

The Congressional Medal of Honor, which is bestowed by the president in the name of the Congress for gallantry and intrepidity "at the risk of life and beyond the call of duty" in action involving actual conflict with an enemy. Other medals and crosses are authorized to be presented, not in the name of Congress, and for action involving somewhat lesser elements of risk and responsibility.

**721. What is the National Guard and when did it originate?**

The National Guard is the organized portion (land forces) of the militia, which comprises the great body of male citizens (and declarants) capable of bearing arms. Organization of a National Guard as such goes back only to 1903, following a gradual breakdown of the militia system theretofore in effect. The National Guard was based on voluntary enlistment, whereas the militia by law included all able-bodied citizens within the ages of eighteen to forty-five. The Guard takes a dual oath, to the state and the United States, under which it could become an instru-

ment of Federal action in time of war or other emergency.

**722. What is the "National Guard of the United States"?**

The procedure for securing Federal use of National Guard personnel under the original law, by issuing a "call" on the state, under which the necessary number were mustered into Federal service, was found cumbersome. To meet this, the law has been amended to provide for a National Guard, and concurrently a "National Guard of the United States," which can be ordered immediately into United States service in case of emergency.

**723. When may a National Guard unit be presented for Federal recognition?**

When they have attained twenty-five per cent of their officer personnel and ten per cent of the enlisted personnel required by appropriate tables of organization.

**724. What are the required ages in the National Guard for men without prior military service?**

For original enlistment they must be between the ages of seventeen and thirty-five.

**725. Under what conditions may men over thirty-five with prior service enlist in a National Guard?**

Age thirty-six and under thirty-eight, if one year prior service; age thirty-eight and under forty-one, if two years prior service; and age forty-one and under fifty-five, if two years prior service, plus the number of years applicant is over the age of forty.

**726. Are applicants for enlistment, who have been awarded decorations of the Silver Star or higher, given special privileges?**

Yes. Such applicants may enlist without regard to age until their fifty-fifth birthday.

**727. How may applicants over fifty-five enlist?**

Applicants between the ages of fifty-five and sixty-three may re-enlist, provided they do so within twenty days from date of discharge from the National Guard.

**728. Who furnishes National Guard uniforms and equipment?**

They are provided by the Federal Government free to enlisted men. Officers are entitled to purchase uniforms from the Government at cost.

**729. What is the pay?**

It is that of the corresponding grades in the regular service. Attendance at the two-hour weekly drill is considered a day of duty.

**730. Is specialist training given in the National Guard?**

Yes. It follows closely upon the completion of basic training.

**731. What are some of the arguments in favor of young men enlisting in the National Guard?**

President Truman in proclaiming National Guard Day in 1947 stated,

"Today the new National Guard gives every man an opportunity to give personal service to his country and at the same time to advance himself. In National Guard units all over the country thousands of veterans and other ambitious young men are finding the opportunity to study and learn things that help them advance in their civilian jobs. They are finding the fellowship that is part and parcel of America. They are participating in a sports and recreation program that keeps them fit. And they are receiving the training that helps keep America strong."

**732. When were the United States Military Academy at West Point, New York, and the United States Naval Academy at Annapolis, Maryland, established?**

The Military Academy dates from the act of March 16, 1802, when Congress authorized a corps of engineers, to consist of five officers and ten cadets, and provided that it should be stationed at West Point, in the state of New York, and should constitute a military academy. It was formally opened on July 4, 1802. Several attempts had been made at various times from 1781 to 1794 to found a military school at West Point, which were unsuccessful because of inadequate provision of funds and facilities. During the Revolu-

tionary War, on January 20, 1778, West Point was first occupied by troops. It is the oldest United States military post now in service.

The Naval Academy was founded in 1845 by the Secretary of the Navy to improve the then unsatisfactory method of instructing midshipmen. It was located at Annapolis, Maryland, on the site occupied by Fort Severn, which was given up for the purpose by the War Department.

**733. What is the mission of the Military Academy? Of the Naval Academy?**

The mission of the Military Academy is to instruct and train officers of the Regular Army.

The mission of the Naval Academy is to instruct and train officers for the United States Navy.

**734. What is the strength of the Corps of Cadets, authorized by law, at the Military Academy? Midshipmen at the Naval Academy?**

The Military Academy, 2,496. The Naval Academy, 4,382.

**735. What are the age, moral and citizenship requirements for candidates to the Military Academy? The Naval Academy?**

**Military Academy:** Candidates are eligible for admission from the day they are seventeen until the day they become twenty-two years of age, on which latter day they are not eligible (except veterans who have served honorably for one year in the Armed Forces of the United States who may be considered for candidacy until the day they become twenty-four years of age. They must be of good moral character; must be citizens of the United States; and must never have been married.

**Naval Academy:** All candidates are required to be citizens of the United States; must be of good moral character; and must be not less than seventeen years of age nor more than twenty-one years of age on April 1 of the calendar year in which they enter the Academy. A recent act of Congress raises to twenty-three years the upper age limit for candidates for admission to the Academy, who have served honorably not less than one year in the Armed Forces of the United States during any of the present wars. No per-

son who is married, or who has been married, shall be admitted as a midshipman to the Naval Academy. Midshipmen shall not marry, and any midshipman found to have been married, shall be recommended for discharge.

**Coast Guard Academy:** At New London, Conn. — trains officers for the Coast Guard. The pay for cadets is \$936 a year in the Military, Naval and Coast Guard academies.

**Merchant Marine Academy:** At Kings Point, N. Y. — trains officers for the merchant marine. Cadets receive \$936 a year.

The age and other requirements for candidates to the Coast Guard and Merchant Marine academies are similar to the Military and Naval academy requirements.

**736. How are appointments to West Point and Annapolis made?**

Each senator and representative in Congress is allotted four appointments to the Military Academy. For each he may nominate a principal and three alternates. The vice president and each senator, representative and delegate in Congress are allowed a maximum of five midshipmen at the Naval Academy at any one time. A maximum of five midshipmen is allowed for the District of Columbia while the president may appoint seventy-five at large each year. These appointments at large are given to the sons and adopted sons of the personnel of the Regular Army, Navy, and Marine Corps, since such officers and enlisted men are unable to establish permanent residence and thus be in a position to obtain appointments for their sons from their senators and representatives. Actual appointment in every case is made by the president.

**737. How does one qualify for admittance to West Point or Annapolis after nomination?**

Entrance examinations are given at a place and time designated by the Academy in

question. These include thorough physical examinations as well as aptitude and other tests.

**738. Are degrees awarded after completion of studies?**

Yes, by an act of May 25, 1933, graduates of the Military, Naval, and Coast Guard Academies may be awarded the Bachelor of Science degree.

**739. Have any changes been made in the curricula to meet the problems of the atomic age?**

Yes. The curriculum at West Point, for example, has been broadened to include a more comprehensive study of electronics and nuclear physics. The great changes in methods of warfare brought about by the existence of atomic bombs are also subjects of study at the service academies.

**740. Is it possible to enter the Academies without the nomination of one's congressman?**

Yes, in certain instances. A limited number of enlisted men from the Regular Army, the National Guard, the Regular Navy, the Naval Reserve, the Marine Corps, and the Marine Corps Reserve may be admitted to the service academies each year. Sons of winners of the Congressional Medal of Honor are also eligible for appointment as are the sons of veterans of World Wars I and II who died as a result of causes resulting from their service.

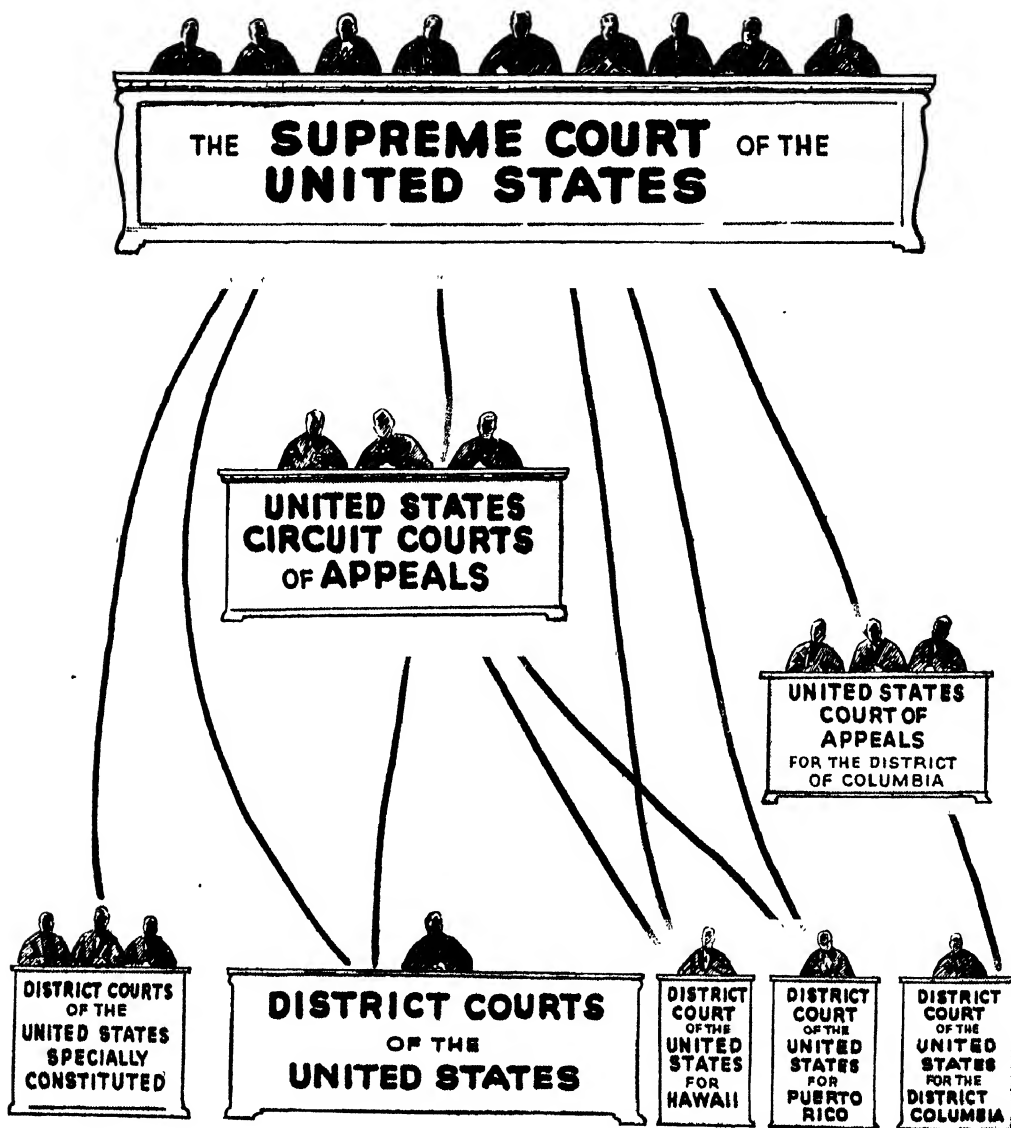
**741. May a person from a foreign country attend the service academies?**

Yes, twenty cadets from South and Central American republics may attend each of the two academies. They are not entitled to appointment to any office or position in the United States Navy or Army upon graduation.

## DEPARTMENT OF JUSTICE

**742. What direct service does the attorney general perform for the chief executive?**

While the president has a special counsel the White House also calls on the attorney gen-



*The Federal Courts*

The Federal courts system covers the entire nation and wherever the American flag flies.

eral for legal advice, particularly on bills and resolutions passed in Congress and sent to the chief executive for his signature. The president also calls on the attorney general for legal opinions concerning the exercising of special emergency powers. This was particularly true during World War II and in the two years that followed.

**743. What is the staff of the attorney general?**

The "top echelon" of the Justice Department includes a solicitor general, four assistant attorney generals in Washington, an assistant attorney general in the Division of Customs, in New York City, a pardon attorney, and their assistants. Generally the assistant attorney generals are division heads, specializing in antitrust litigation, the custody of alien property, prosecution of criminals, etc.

**744. What are the main units of the Justice Department?**

The Federal Bureau of Investigation; the Immigration and Naturalization Service; the Board of Immigration Appeals; the Office of Alien Property; Bureau of Prisons; Board of Parole; Administrative Division; and the Federal Prison Industries, Inc. The last is a corporation authorized by Act of Congress on June 23, 1934, and created by Executive Order No. 6917, December 11, 1934.

**745. Who is the chief law-enforcement officer of the United States?**

The attorney general. He represents the United States in legal matters generally, and gives advice and opinion when requested by the president or by executive-department heads.

**746. What are the functions of the solicitor general?**

The solicitor general is the second ranking officer of the Department of Justice, assuming the duties of attorney general in his absence. He represents the Government in cases before the Supreme Court, and at the request of the attorney general, in cases affecting the United States in state courts or elsewhere. In particular, he must authorize any appeal by the United States to any court.

**747. Is the Federal Bureau of Investigation an autonomous agency?**

The FBI is a Justice Department bureau headed by J. Edgar Hoover. The Bureau is in effect an intelligence agency for the Justice Department, gathering information on criminal matters which come within the jurisdiction of the Department.

**748. What services are rendered by the Federal Bureau of Investigation?**

The Director of the Federal Bureau of Investigation has general charge of the investigation of all violations of Federal laws with the exception of those which have been assigned by legislative enactment or otherwise to some other Federal investigative body. Functions of the FBI include the investigation of espionage, sabotage, and matters pertaining to the internal security of the United States as well as investigations of alleged violations of approximately 100 Federal statutes. Among these are the Selective Training and Service Act, National Bank Act, Federal Kidnaping Statute, the National Motor Vehicle Theft Act, and others.

**749. What is the FBI National Police Academy?**

It is a school maintained by the Federal Bureau of Investigation at Washington and Quantico, Virginia. Each of the three sessions each year lasts for twelve weeks. There are no tuition fees.

**750. What is its purpose?**

To train representatives of local, county, and state law-enforcement agencies as police instructors and administrators.

**751. When was it founded?**

In 1935.

**752. What agencies may send representatives to the Academy?**

Regardless of the size of the particular town, or state, or office, every law enforcement agency may apply to send a representative to the Academy.

**753. What are the qualifications for acceptance as a student at the Academy?**

The applicant must be a regular full-time law-enforcement officer, not over fifty years of age, vigorous physically, of unimpeachable character and reputation, and possessed of latent ability as an instructor or administrator. There is no requirement for previous formal education.

**754. How are the expenses of a student at the Academy borne?**

The student or his department must pay for his transportation to and from Washington and for his board, room, laundry, and miscellaneous living costs. Equipment used for instruction, including typewriters, revolvers, ammunition, brief cases and laboratory equipment, is supplied free.

**755. Must the student at the Academy wear a uniform?**

Civilian clothes are worn.

**756. Is the exclusion from the United States of anarchists or other persons with views considered subversive a violation of the Constitution's First Amendment?**

The Supreme Court has rejected such an argument. The Congress has power over immigration. The United States Government may prohibit absolutely, or restrict immigration as it sees fit, and a person attempting to enter the country in defiance of such restrictions "does not become one of the people to whom the guarantees of free speech," etc. are guaranteed by the Constitution.

**757. Are Japanese barred from immigration to the United States?**

Indirectly. The Quota Act of 1924 bars from immigration aliens who are not eligible to become citizens of the United States.

**758. Does a United States citizen have a constitutional right to expatriation?**

Although the Constitution is silent on this subject, the United States has, from early times, held that expatriation is the right of every individual. This was contrary to the doctrine of most nations, which believed that a citizen could expatriate himself only with the consent of the nation. With the tide of immigration to America, the United States felt the need of protecting new-

ly naturalized citizens against the claims of foreign countries. In 1868, Congress adopted a resolution that voluntary expatriation is a "natural and inherent right of every people."

**759. How is expatriation effected otherwise than by voluntary means?**

Expatriation means loss of nationality, and may be effected by a citizen with the consent of the state or by a state's withdrawal of protection from a citizen who deserts from its armies or who, after naturalization, continues extended residence abroad.

**760. Under what circumstances are persons barred from entry to the United States because of moral turpitude?**

A person convicted of a crime involving moral turpitude is denied entrance to the nation. Moral turpitude is interpreted in the light of the moral sense of the people at a given time. A person must have been convicted of a crime involving conduct obnoxious to common decency, to be barred from immigration.

**761. What is dual allegiance?**

A professed allegiance to two governments at the same time. Some countries hold to the early doctrine that allegiance by birth is "indelible." The United States and other countries recognize the right of citizens to change their nationality. Under American law an alien must specifically renounce all foreign allegiance when he is naturalized. If he comes from a country which ignores this renunciation, he may be subject to attempts of his former homeland to exact continuing duty from him.

**762. Is a naturalized citizen subject to deportation?**

Under the law, citizenship may be revoked if a former alien engaged in fraud or other illegal activity in obtaining it. He then is subject to deportation to the land of his origin. He also may be deported if convicted of a felony.

**763. What is an immigration quota?**

Beginning in 1924, the United States drastically changed its immigration policy, restricting the number of entries according to their nationality. A quota was set up, based on the census of

1920, the basic quota being two per cent of the number of foreign-born persons of a nationality resident in the United States in 1890 and 1920. There is a minimum quota of one hundred persons per nationality, plus a specific number of persons from the various countries. In 1907, the United States admitted 1,285,349. At that time the only restriction on immigration was the barring of undesirable classes. In 1947 the total immigration quota was 153,929.

**764. Do naturalized citizens enjoy the same**

**privileges and immunities as native-born Americans?**

Naturalized citizens are on the same footing as the native-born, but naturalized citizens may have their citizenship revoked on conviction of certain crimes.

**765. May an alien invoke the protection of the "due process" clause?**

Yes. All inhabitants may invoke the protection of the Fifth and Fourteenth Amendments to the Constitution.

## POST OFFICE DEPARTMENT

**766. To what extent is the postmaster general empowered to negotiate with other countries?**

The postmaster general has the unique right of negotiating postal conventions without the consent of the United States Senate. He may conclude such conventions with the "advice and consent" of the president.

**767. Who determines the specifications of postage stamp issues?**

The law authorizes the postmaster general to "prepare postage stamps of suitable denominations." Portraits of living persons may not be used on stamps. The color of various denominations is fixed by the terms of the Universal Postal Convention, but designs are in the discretion of the Post Office Department. In recent years it has been customary for the Post Office Department to print special issues of stamps commemorating historical events and individuals, honoring various states and countries, and celebrating the exploits of the armed forces.

**768. Does the Post Office exchange or redeem stamps?**

Postal regulations prohibit the redemption or exchange of postage stamps, whether affixed to envelopes or not, unless the stamps were damaged or unserviceable when purchased or stamps of wrong denomination were erroneously purchased. In such cases, application for redemption must be made within two business days.

**769. How are postmasters' salaries determined?**

Postmasters are grouped in four classes, according to the amount of business done by the post office they manage. Fourth-class postmasters are paid on the basis of income from rental of boxes plus commissions on the number of stamps cancelled in their establishments.

**770. What is the largest special delivery stamp ever issued?**

In December 1918, the late Senator Carter Glass of Virginia was named Secretary of the Treasury. To observe his inauguration, a special mail plane was flown from New York to Washington, with Douglas Fairbanks, Sr., the motion picture star, mailed by parcel post. Fairbanks wore a \$150 special delivery stamp on his forehead.

**771. What is meant by a "star route"?**

This is a road or route where the mails are carried under contract with the Post Office Department—denoted on the records by three asterisks or stars.

**772. Where was the first post office in America?**

It was established in Boston in 1639. In 1672 a mail route by water was established between Boston and New York. Rural free delivery was first recommended by Postmaster General John Wanamaker in 1891, and the first bill intro-

duced in the House January 5, 1892, free delivery mail actually commenced in October, 1896, in West Virginia, in the areas of Charlestown, Uvilla, and Halltown.

**773. What kind of frank for mail is authorized besides the Congressional frank?**

Correspondence and literature sent through the mails by the Federal Government as official business matter does not require postage stamps. It goes under the so-called "penalty frank." There is a heavy fine for use of Government envelopes for private correspondence.

**774. What is the principal objective of the Post Office Department?**

To maintain cheap and efficient means of communication for all the people through the transportation of postcards, letters, printed matter, and parcel post to all points in the United States and foreign countries.

**775. Who is responsible for "policing" local post offices?**

The Post Office Department inspects and supervises all post offices with its own investigators. Violations of postal laws are prosecuted by the Justice Department, notably in cases of mail frauds.

**776. What banking functions are performed by the Post Office Department?**

Post offices accept and service postal savings accounts and issue money orders.

**777. On what theory does our American Government permit newspapers to be sent**

**through the mails post-free anywhere in the county where the newspaper is published?**

On a theory that originated with George Washington, our first president, who said that it was in the public interest for newspapers to be distributed post-free through the mails in order that dissemination of knowledge to the people might be encouraged.

**778. Who profits from the failure of the Government to collect revenue from newspapers circulated post-free within the county and from newspapers that are carried at a loss outside of the county of their publication?**

There is a difference of opinion. Some people contend that free carriage is a subsidy to the newspapers. Others contend that the public gets the benefit in low subscription prices for newspapers and magazines. In other words, it is insisted that postage charges would be passed on to the people in higher subscription rates, which would lessen the distribution of newspapers and the dissemination of knowledge. It is the personal opinion of the writer that it is in the public interest for newspapers and magazines to receive the rates and privileges they now enjoy on distribution of their publications through the mails.

**779. Do the low rates, and no rates, amount to a subsidy in any case?**

It is true that this amounts to a subsidy in some cases, but in most cases it is a subsidy to the people who obtain reading matter at such a low cost.

## DEPARTMENT OF THE INTERIOR

**780. What are the main units of the Interior Department?**

The Office of Land Utilization, Bureau of Land Management, Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, National Park Service, Bureau of Mines, Fish and Wildlife Service, Division of Territories and Island Possessions, Division of Pow-

er, National Power Policy Committee, and the Oil and Gas Division.

**781. What responsibilities does the Interior Department have with regard to United States Indians?**

Under various Acts of Congress the Interior Department supervises the maintenance of Indian Reservations. The Interior Department



encourages forestry and agriculture, maintains schools and hospitals, and protects Indians, whose lands have vast resources of great commercial value.

**782. Do Indian tribes still make treaties with the United States?**

The tribes no longer are recognized as independent nations with power to make treaties. Prior to 1871, when such treaties were made, the United States agreed to certain stipulations such as the appropriation of funds to Indian groups. These existing treaties are still recognized.

**783. Under what authority do reservation lands belong to Indian tribes?**

The Wheeler-Howard Act of 1934 abolished the system of allotting lands to individual Indians. The lands were restored to tribal ownership and the act provided for the development of tribal organization.

**784. When did the Philippine Commonwealth become an independent nation?**

The Philippines, acquired by the United States under the Treaty of Paris in 1898, ending the Spanish-American War, became independent on July 4, 1946, in accordance with the Tydings-McDuffie Act of 1934. Provision was made for gradual relinquishment of control of the islands by the United States over a ten-year period while the Filipinos developed a constitutional form of government. The new Philippine constitution was approved by President Roosevelt on March 23, 1935. Prior to the formal establishment of the Philippine Republic, the United States was represented by a high commissioner. Now the American envoy is an ambassador.

**785. What is the Interior Department's chief activity in Puerto Rico and the Virgin Islands?**

The Division of Territories and Island Possessions carries out rehabilitation programs authorized by Congress and helps develop new industries, health and sanitation projects, and other programs benefiting the residents of the territories. Puerto Rico has a governor appointed by the president, and a legislature.

**786. What are some of the activities of the Interior Department in Alaska?**

The Department operates the Alaska Railroad, maintains an Alaska Road Commission headed by the governor of the Territory, and an Alaskan Purchasing and Shipping Office, with headquarters in Seattle.

**787. What was the cost of the Alaskan Territory?**

Alaska was purchased from Russia in 1867 for \$7,200,000, at the insistence of Secretary of State Seward. Because Alaska was believed to be barren, bitterly cold, and of little value, the territory was referred to as "Seward's Icebox" and "Seward's Folly" by his opponents. In drafting the terms for the transaction Seward misspelled the word "plenipotentiary" and this error was attributed to his haste and eagerness to consummate the deal.

**788. What was the Bering Sea dispute?**

In 1867, the United States understood that in buying Alaska it would gain control over "adjacent waters" including those in which other nations carried on fishing and sealing operations. A dispute arose, and was submitted to arbitration. The United States lost and was ordered to pay British and Canadian interests \$473,000 in damages. The question was reopened in 1911, and Great Britain, Russia, and Japan agreed that the United States had sovereignty over waters adjacent to Alaska.

**789. What is one of the main problems of the Interior Department in the field of domestic production?**

The Bureau of Mines is responsible for the maintenance of Federal standards of safety in coal mines. The bureau makes studies of new mechanized methods of mining.

**790. What Government agencies have control of the nation's public lands?**

The Department of the Interior, the Forest Service of the Department of Agriculture, the War and Navy Departments are the principal agencies concerned.

**791. Which agency administers the largest area of these public lands?**

The Forest Service of the Department of Agriculture as of June 30, 1945, administered 155 national forests comprising 178,261,805 acres. The Bureau of Land Management, of the Department of Interior administers the Taylor Grazing Act of 1934; as of June 30, 1947, grazing areas amounted to 142,140,308 acres, in ten Western states.

**792. How many acres of public land are there?**

There are 169,506,842 acres of vacant public lands in the United States. In addition there are 250,000,000 acres in Alaska, making the grand total 419,506,842 acres. These lands are not covered by any non-Federal right or claim other than permits and leases. The figures include lands restored to entry within national forests, reclamation projects, and power-site reserves.

**793. Where are these public lands?**

They are scattered over twenty-six states, most of which are in the Middle or Far West. Nevada has the largest area in public lands, 44,924,031 acres, followed by Utah, Wyoming, California, New Mexico, Oregon, Idaho, Arizona, Colorado, and Montana in that order, each of which has more than 5,000,000 acres in public lands.

**794. For what purposes are these lands mainly used?**

6,516,778 acres are in power and water reservations; 9,471,410 acres are in national parks; 9,628,168 acres are reserved for national monuments; 18,402,317 acres are for wildlife reserves; 3,971,117 acres are held for stock drive-ways; 120,116 acres are in air navigation sites; 228,759,969 acres are in national forests; 46,151,091 acres of mineral withdrawals are in force; 13,551,694 acres have been withdrawn since July 1, 1937, for military and other war purposes.

**795. In which states does the Federal Government own more than forty per cent of the area?**

The United States Government owns eighty-two per cent of Nevada's area; sixty-three per cent of Arizona; fifty-eight per cent of Idaho;

forty-six per cent of Oregon; and forty-two per cent of Wyoming.

**796. When did the National Park System come into existence in the United States?**

In 1872.

**797. Which National Park was the first one established?**

Yellowstone National Park.

**798. When was the National Park Service created?**

The National Park Service, which is a bureau of the United States Department of the Interior, was created by Congress in 1916 to manage the Federal park areas.

**799. How many areas are now in the Federal Park System?**

As of June 30, 1946, there were 169 areas — 27 National Parks, 4 National Historical Parks, 86 National Monuments, 11 National Military Parks, 1 National Battlefield Park, 7 National Battlefield Sites, 10 National Historic Sites, 9 National Memorials, 10 National Cemeteries, 3 National Parkways, and the National Capital Parks System.

**800. Who is in charge of each national park?**

A local superintendent, who resides in the park and is responsible to Regional and Washington Headquarters. In smaller parks, the superintendent has only four or five assistants. In the larger ones, such as the Yellowstone and the Yosemite, a large force is necessary and includes protective, clerical, educational, and engineering assistants.

**801. By whom is the protective work in a national park done?**

By a ranger force, headed by a chief ranger, who reports to the superintendent. The permanent ranger jobs are filled by Civil Service appointment.

**802. What are the duties of the ranger force?**

The duties of the ranger force include checking travel, directing traffic, enforcing the rules and regulations promulgated by the Secretary of the Interior for the protection of the park,

giving information to visitors, fire fighting, improvement of trails, repairs of telephone lines,

protection of wildlife, supervision of camp grounds, and numerous other duties.

## DEPARTMENT OF AGRICULTURE

### 803. What is the main function of the Agriculture Department?

The main general purpose is to help the farmer raise abundant crops and market them profitably. To this end, efforts are made in accordance with Congressional authorization to adjust the production of farm goods to the demand for them.

### 804. What services does the Agriculture Department perform?

The Department encourages soil conservation and crop rotation; develops better livestock on its own experimental stations and issues information on new techniques of animal husbandry; provides information to farmers on farm drainage, farm buildings, machinery, and water supplies; issues facts on the supply, distribution, and price levels of farm products; fights animal and plant diseases and insect pests; helps finance the rural electrification program; extends credit to farmers and credit facilities to farmers' cooperative marketing, purchasing, and business service organizations.

### 805. What are the main units of the Agriculture Department?

The Bureau of Agricultural Economics, which compiles estimates and statistics and makes studies of prices, production costs, and trends in farm population; the Office of Foreign Agricultural Relations, through which the United States Government exchanges scientific data and technical aid with other nations; the Agricultural Re-

search Administration, which supervises the operation of the Agricultural Research Center at Beltsville, Prince Georges County, Maryland, and the following establishments: Bureau of Agricultural and Industrial Chemistry; Bureau of Animal Industry; Bureau of Dairy Industry; Bureau of Entomology and Plant Quarantine; Bureau of Human Nutrition and Home Economics; Bureau of Plant Industry, Soils, and Agricultural Engineering; and the Office of Experiment Stations. The Department also has the Extension Service, a Farm Credit Administration, a Farmers' Home Administration, the Forest Service, the Production and Marketing Administration, Rural Electrification Administration, and the Soil Conservation Service.

### 806. What role does the Agriculture Department play in the field of foreign policy?

The Secretary of Agriculture serves on Cabinet committees concerned with the problem of foreign agricultural relief and participates in such projects as the United States-Mexican joint program to eradicate the hoof-and-mouth disease. The foreign agricultural experts in the Department assist the Department of State by providing information on farming conditions and crop successes and failures in other countries. In view of the fact that such staples as cotton, meat, grain, and wool are vitally important world commodities, the Department of Agriculture assists in providing the Congress and the chief executive with information on which tariff and export as well as foreign relief policies can be based.

## DEPARTMENT OF COMMERCE

### 807. What are the principal objectives of the Department of Commerce?

To promote and develop the foreign and domestic commerce of the United States, the min-

ing, manufacturing, shipping, and fishing industries, and the nation's transportation facilities.

### 808. What are the main units of the Department of Commerce?

The Bureau of Foreign and Domestic Commerce, Bureau of Marine Inspection and Navigation, Coast and Geodetic Survey, Bureau of the Census, Patent Office, Bureau of Standards, Inland Waterways Corporation, United States Weather Bureau, and the Civil Aeronautics Administration.

**809. Does the Civil Aeronautics Administration control nonmilitary aviation in America?**

The C.A.A. controls and protects air traffic engaged in commerce by means of regulations and legislation enacted by Congress. The purpose of the Administration is to foster the development of civil aeronautics and air commerce and to prevent accidents by maintaining high standards of safe operation.

**810. Does the Commerce Department control commercial broadcasting?**

In the early days American radio broadcasting was under regulation of the Commerce Department. Secretary of Commerce Herbert Hoover became the first Cabinet member charged with responsibility in this field. However, as radio broadcasting expanded swiftly, an independent agency, the Federal Communications Commission, was established to supervise all means of commercial communication.

**811. When was the National Bureau of Standards established?**

The National Bureau of Standards developed from the Office of Standard Weights and Measures in the Treasury Department. It was established by Act of Congress approved March 3, 1901, and started functioning on July 1, 1901.

**812. What does the National Bureau of Standards do?**

The National Bureau of Standards is the principal agency of the Federal Government for fundamental research in physics, chemistry, and engineering. It has custody of national standards of physical measurements, and carries on research for the improvement of such standards and measurements. It devises improved methods for testing materials and equipment, determines the physical properties of materials, advises other gov-

ernment agencies on scientific and technical matters. In addition, the Bureau extends cooperation to the states, industries, and national organizations in the development of specifications and engineering and safety codes.

**813. How does the National Bureau of Standards cooperate with the armed services?**

Much of the work of the Bureau is assigned and paid for by government agencies including the armed services. During the war the Bureau was instrumental in the development of the proximity fuse and guided missiles. With the increased emphasis on research, it is now busier than ever.

**814. How does its budget today compare with its budget when it was first organized?**

The first appropriation for the National Bureau of Standards, as such, (March 3, 1901) provided \$167,140, of which \$25,000 was earmarked for purchase of a site, and \$100,000 for erection of a laboratory. By fiscal 1923, the budget had risen to \$1,547,360. In fiscal year 1948, the Bureau will have available \$7,865,000, of which \$1,450,000 is for operation and administration; \$6,000,000 for research and testing, and \$415,000 for a radio building.

**815. What new activities have been assumed by the Bureau?**

The Bureau is continually taking on new projects. Some of the more recent ones are the testing of prefabricated housing units for the housing authorities; the development of new electronic computers for the Navy and the Census Bureau, which are geared to make an hour's work of a normal 5,000 hours of computation; and continuing work on Army and Navy projects such as the guided missile. Recently the Bureau announced the development of a radio tube about the size of a grain of rice.

**816. How is the National Bureau of Standards concerned with atomic energy?**

In the field of atomic physics, the Bureau's scientists have for many years been concerned with measuring the intensity of radiation of sub-atomic particles, and safeguarding against the hazards involved.

**817. Has the Bureau had any relations with international agencies?**

Yes. The United States was a signatory to the treaty which created the International Bureau of Weights and Measures in 1875. The National Bureau of Standards has cooperated with this international body and with certain others, including the International Conference on Weights and Measures.

**818. Where does one apply for a patent?**

To the Patent Office. Issuance of a patent for an invention assures to the inventor exclusive rights under the law. The Patent Office also registers trade-marks, prints, and labels. An inventor applying for a patent must pay a fee of thirty dollars when he submits copies of designs of his invention and specifications. In some instances it is desirable to submit a model of the device for which a patent is sought.

**819. May patents be granted on all applications of atomic energy or fissionable materials for military use?**

No. The act for the development and control of atomic energy specifically states: "No patent shall hereafter be granted for any invention or discovery which is useful solely in the production of fissionable material or atomic energy for a military weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor."

**820. How does an author obtain copyright?**

The Copyright Office is in the Library of Congress. Application should be made to the Register of Copyrights.

**821. Where and how is information available to small businesses that wish to sell supplies to the Federal Government?**

The Department of Commerce provides this service through its 46 field offices located throughout the United States. A manual which attempts to answer "what, where, and how" in the field of government procurement has recently been published and distributed to these field offices.

**822. Is such information on procurement available in all Federal agencies?**

The Department of Commerce publication, *General Government Procurement Manual*, attempts to include procurement information for all government agencies. Certain other procurement branches of individual departments or agencies do occasionally issue information on their procurement procedures. The Department of Commerce plans to obtain this information and pass it on to its field offices.

**823. What is the difference between the Inland Waterways Corporation and the Bureau of Marine Inspection and Navigation?**

The Inland Waterways Corporation operates government barges on the Mississippi and Warrior Rivers and promotes inland waterway transportation in the United States; the Bureau of Marine Inspection and Navigation is concerned with the operation of American merchant vessels and the competence of the crews which man them. Vessels are inspected and crews licensed to assure the safety of ships, passengers, and cargoes. In dealing with Congress, the Inland Waterways Corporation provides information for the House Small Business Committee, while the Bureau of Marine Inspection and Navigation maintains contact with the House Merchant Marine Committee.

**824. What is the origin of the census?**

The census goes back in history to the Roman Empire. In the Near East, Christ was born at a time when the census was being taken in the Holy Land. The Constitution calls for a nationwide population census every ten years, and on the basis of this census the number of representatives in Congress from each state is determined. Between census years, the Bureau is continuously engaged in statistical studies, surveys and censuses of business establishments, manufacturing plants, trends in population migration, and other subjects. In 1947, the Census Bureau was thus able, on the basis of its current facts, to disclose that 60,000,000 Americans were gainfully employed. The next population census will be taken in 1950.

**825. How does the Census Bureau receive assistance from other bureaus and agencies?**

During World War II, and prior to the outbreak of war, the national emergency required the registration of citizens and noncitizens for various purposes. The Selective Service Administration, beginning in October, 1940, registered all able-bodied males. Subsequently the Office of Price Administration required details from all residents in the nation before ration books could be issued for shoes, sugar, meats, canned goods, etc. At the same time, the Social Security Administration had registration data on all persons whose employers were required to make Old Age Benefit deductions. These and other agencies assisted the Census Bureau in compiling its facts concerning the people of the United States.

**826. What services are rendered by the Bureau of Foreign and Domestic Commerce?**

The Bureau of Foreign and Domestic Commerce studies production and distribution at home and abroad. In the United States it has twenty-five field offices at key points. These branch offices provide businessmen with up-to-date trade information. The Bureau also promotes United States commerce with other nations.

**827. What is the responsibility of the Weather Bureau?**

As is well known to newspaper readers and radio listeners throughout the nation, the Weather Bureau issues weather forecasts; in addition, the Bureau has the responsibility of

providing storm, cold-wave, frost, forest-fire, and flood warnings.

**828. Is the United States Weather Bureau the only organization of its type in the Federal Government?**

No. The United States Coast Guard, the Navy, and the Army Air Forces have weather services which meet the specific requirements of these services. The Air Weather Service of the Department of Air, for example, makes studies of hurricanes and typhoons, and of flying conditions over the polar regions, and under other adverse situations. All the weather experts in the departments work together in fostering pure scientific research in meteorology and weather forecasting.

**829. What relationship does the Commerce Department have to broad foreign and domestic policies?**

The Commerce Department is concerned with proposed new tariffs and existing trade agreements and their effects on international trade and world stability. The Department is also concerned with continued production in the nation's manufacturing industries and the solution of wage disputes and industrial relations problems. Although the latter fall within the province of the Secretary of Labor, the Secretary of Commerce is asked for his views and comment when wage, price, and production questions are discussed in Cabinet meetings.

## DEPARTMENT OF LABOR

**830. When was the Department of Labor created?**

It was given Cabinet status in 1913 as the tenth executive department.

**831. What were its predecessors?**

A Bureau of Labor was created by Congress in 1884 under the Department of the Interior. This bureau later became independent and was known as the Department of Labor but it did not have executive rank. In 1903, it again became a bureau in the newly created Department of Commerce and Labor.

**832. What is its purpose?**

To foster and promote the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

**833. Where can one obtain information on employment of workers?**

The Bureau of Labor Statistics provides current information on the status and characteristics of the employed segment of the labor force on both a national and a state basis. Trends of employment in about 150 manufacturing indus-

tries and in such nonmanufacturing industries as retail trade, construction, and utilities are reported at regular intervals.

**834. Is information available on labor conditions in other countries?**

Yes, the analysis of information on developments in labor in other countries was one of the Bureau's original functions. The labor situation in a particular country or summaries of information on a particular subject are included in each issue of the *Monthly Labor Review*, the regular publication of the Bureau of Labor Statistics.

**835. Who looks out for the interests of employed women?**

The Women's Bureau of the Department of Labor is concerned with promoting the welfare of wage-earning women, improving their working conditions, increasing their efficiency, and advancing their chances for profitable employment.

**836. Does any government agency concern itself with the safety and health of the workers?**

The Department of Labor has a Safety and Health Division which assists state labor departments, trade unions, and trade associations by providing technical advice and service, conducting safety training programs, and publishing safety training materials.

**837. What maternity-aid program is administered by the Labor Department?**

The Sheppard-Towner Act of November 23, 1921, provided for Federal aid to states in caring for and protecting infancy. This measure, temporary at first, was extended periodically until the Social Security Act of 1935 made permanent provision for such aid. Under this law, the Department of Labor's Children's Bureau administers an annual \$5,820,000 fund for "promoting the health of mothers and children especially in rural areas, and in areas suffering from severe economic distress." The money is divided among the states and territories. Each state, the District of Columbia, Alaska, Hawaii, and Puerto Rico receive \$20,000. A sum of \$2,800,000 is prorated according to the proportion of live births in each state, and a sum of \$1,980,000 is allocated according to the financial need of the state.

**838. What is the Federal Mediation and Conciliation Service?**

This is an agency formerly in the Labor Department but made independent by the terms of the Taft-Hartley Act of 1947. The function of the Service is to assist parties to labor disputes in industries affecting commerce to settle their disputes through conciliation and mediation.

**839. What is the relationship of the National Labor Relations Board and the Labor Department?**

Under the Taft-Hartley labor law, the National Labor Relations Board became an independent unit in June, 1947; its purpose is to administer the law. The Board consists of legal experts specializing in labor legislation.

## VI. Independent Offices, Agencies and Establishments

### 840. What is meant by The Independent Establishments of the United States?

The Independent Establishments of the United States comprise in general all Federal executive offices not included under the eleven executive departments. Some of them, e.g., The Smithsonian Institution and the Interstate Commerce Commission, are of long standing; many others have been created in recent years, as special functions have been assumed by the Government beyond the scope of existing agencies. They are currently appropriated for in the "Independent Offices Appropriation Act."

### 841. What are the independent establishments of the United States Government?

The American Battle Monuments Commission; American National Red Cross; Caribbean Commission; Civil Aeronautics Board; the Civil Service Commission; Columbia Hospital for Women; Commission of Fine Arts; Committee on Purchases of Blind-Made Products; Committee for Reciprocity Information; the Congressional Club (a corporation whose membership is composed of women in official life); Bureau of Employees' Compensation; Employees' Compensation Appeal Board; Export-Import Bank of Washington; Federal Communications Commission; Federal Deposit Insurance Corporation; Federal Loan Agency; Federal Power Commission; The Federal Reserve System; Federal Security Agency; Federal Trade Commission; Federal Works Agency; Goethals Memorial Commission; Inter-American Defense Board; International Boundary Commis-

sion of the United States, Alaska, and Canada; International Boundary and Water Commission of the United States and Mexico; International Fisheries Commission, United States and Canada; International Joint Commission; International Pacific Salmon Fisheries Commission; Interstate Commerce Commission; the Joint Army-Navy Board; the United States Joint Chiefs of Staff; the Joint Economy Board; the United States Maritime Commission; the National Academy of Sciences; the National Advisory Committee for Aeronautics; National Archives; National Capital Housing Authority; National Capital Park and Planning Commission; National Housing Agency; National Labor Relations Board; National Mediation Board; National Munitions Control Board; the Panama Canal; Pan-American Sanitary Bureau and the Panama-American Union, which are international organizations; the International Permanent Joint Board on Defense; Railroad Retirement Board; Securities and Exchange Commission; Smithsonian Institution; United States Soldiers' Home; United States Tariff Commission; Tennessee Valley Authority; Veterans' Administration; and the Washington National Monument Society.

### 842. Why is the Civil Service Commission an independent agency?

The Civil Service Commission was designed to put appointments throughout the Government on a merit basis rather than patronage. To this end, the Commission was set up as the examining agency for other government departments, in an independent status.



**843. Do government employees have security of tenure?**

There is, of course, no guaranty of tenure in a government position in the face of changes of program or of budget appropriations, as in the case of current postwar adjustments. Otherwise, however, before a permanent employee, with a classified civil service status, can be removed, he must be notified of his prospective removal and furnished a copy of any charges made against him. He must be allowed reasonable time to reply to the charges. He can be removed only to promote the efficiency of the service and must be notified in writing. Civil Service rules forbid discrimination for political or religious reasons. These provisions do not apply to reduction in force.

**844. In what ways is the merit system for government employees preferable to the spoils system?**

Competent employees are no longer in danger of being replaced by political workers. Persons of ability formerly hesitated to accept government positions which they would probably hold for only a short time. Less pressure is now put on Congress to create jobs for which there is no need. The present system places major emphasis on obtaining the services of persons best qualified to perform the duties.

**845. What does the Committee for Reciprocity Information do?**

It compiles and disseminates information concerning the administration of American tariff policy and the international exchange of goods.

**846. How does the Civil Aeronautics Administration differ from the Civil Aeronautics Board?**

The C.A.A. is a unit in the Commerce Department which is concerned with the promotion and development of civil aeronautics and commercial aviation. The Civil Aeronautics Board is devoted chiefly to the economics of commercial aviation and safety precautions. The C.A.B. maintains a staff of field examiners who investigate air crashes.

**847. What is the responsibility of the Fine Arts Commission?**

The Fine Arts Commission is concerned only in an advisory capacity with the Federal Government's art treasures, including memorial paintings and statuary.

**848. What is the role of the National Archives?**

This establishment dates only from 1934. In addition to acting as a repository of valuable noncurrent Government records, and "servicing" them for use by officials, scholars, and others, the Archives is responsible for publication of the *Federal Register*. It also accepts and preserves "motion-picture films and sound-recordings illustrative of historical activities of the United States."

**849. For what is the Federal Trade Commission best known?**

The F.T.C. investigates complaints of unfair trade practices and misleading advertising. It prosecutes offenders against fair trade and advertising regulations, and retains medical advisors to check the accuracy and reliability of advertisements of products credited with therapeutic and curative powers. Advertisers charged with falsifying to the detriment of the public are given "cease and desist" orders under penalty of trial, and of fines, if convicted.

**850. In what field does the Interstate Commerce Commission specialize?**

Transportation. The Commission has jurisdiction over transportation rates in interstate commerce and studies the traffic of the railroads, trucking industry, water carriers, and freight forwarders. When petitions or applications are received for authorization to increase passenger and shipping rates, the Commission investigates the merits of the case.

**851. What were some of the earliest instances of Federal regulation of business and commerce in the United States?**

The National Banking Act of 1863, the National Currency Act of 1864, the Act of March 3, 1865 which ordered taxation of state bank issues, the Interstate Commerce Act of 1887, the Sherman Antitrust Act of 1890, the Clayton Law of 1914, and the Federal Trade Commission Act

of 1914 are significant milestones in the extension of Federal regulation.

**852. What is the task of the General Accounting Office?**

The G.A.O. is headed by the Comptroller General and settles and adjusts claims and demands by or against the Federal Government. It also settles money accounts in which the Government is concerned. The ledger accounts of all Federal officers spending and collecting money undergo the scrutiny of the General Accounting Office.

**853. What is the United States Board of Tax Appeals?**

This board is an independent unit which conducts hearings for taxpayers on questions involving income, profits, estate, and gift taxes. The board comprises sixteen members and has the power to decide cases brought by the appellants.

**854. How many veterans or dependents of veterans are now receiving pensions or other benefits?**

In the month of August, 1947, there were on the pension rolls 2,920,868 veterans or dependents of deceased veterans. This includes compensation and emergency officers' retirement pay. These figures include veterans of all wars in which the United States has participated.

**855. How much money is disbursed each month in such pensions?**

In August, 1947, \$171,022,736 was disbursed.

**856. How is the veteran aided by the "G. I. Bill of Rights"?**

Public Law 346, Seventy-eighth Congress, approved June 22, 1944, provides educational aid, guaranty by the Veterans' Administration of loans for purchase of homes, farms, or business property, repairs, additions, stock, machinery and equipment. The law also provides for payment of readjustment allowances to self-employed veterans.

**857. Has any special provision been made for disabled veterans?**

Yes, Public Law 16, Seventy-eighth Congress, approved March 24, 1943, provides for vocational rehabilitation to restore employability lost by reason of service-connected disability.

**858. May a veteran receive a pension for disabilities not incurred in active military or naval service?**

A veteran of World War II is entitled to a pension for permanent total disability not the result of his own conduct and not incurred in active service, provided that he served actively for ninety days or more, was not discharged dishonorably, and can meet certain other conditions.

**859. Who can receive employment assistance?**

Veterans entitled to aid from the Veterans Employment Service include all persons who served in active service in the Army, Navy, Marine Corps, or Coast Guard in time of war and were not dishonorably discharged.

**860. What is the Atomic Energy Commission's budget for its first fiscal year (1948)?**

Approximately \$400,000,000. This sum appropriated by the Congress on the recommendation of the Joint Committee on Atomic Energy, includes some funds which were not expended by the Commission's predecessor, the Manhattan District of the United States Army, which had supervised the development of the atomic bomb.

**861. Why was the Congress disposed to appropriate a sum to the Atomic Energy Commission equivalent to the administration's request?**

The Commission could not determine in detail what its cost of operations would be. There had not been a precise bookkeeping system for the Manhattan District's expenditures in wartime, because of security and other factors.

**862. What did the development of atomic energy in the form of the atomic bomb cost?**

Approximately \$2,000,000,000.

**863. What commercial activities are engaged in by the Atomic Energy Commission?**

The Clinton Engineering Works at Oak Ridge, Tennessee, sell so-called radio isotopes to

hospitals, industrial laboratories, university laboratories, and cancer clinics. The isotopes are substances which have been placed in atomic piles (or chambers) and bombarded with radioactivity. Extracted from the piles and placed in thick lead containers, the substances are shipped to laboratories and hospitals for pure research in the field of medicine, chemistry, and biology. The isotopes are sold at cost.

**864. Where are the leading atomic research establishments in the United States?**

At Oak Ridge, Tennessee; Hanford, Washington; Los Alamos, New Mexico; Berkeley, California; and at the University of Chicago. New centers are being built near New York City, Dayton, Ohio, and other points.

**865. What are some of the leading aims of the Atomic Energy Commission?**

To make possible the production of low-cost electrical power generated by atomic energy; to further the use of radioactive chemicals as tracers of disease in the human body; to make greater strides in the field of "atomic" medicine, notably through the use of radioactive materials

to curb, and possibly cure, cancer and other malignant diseases; and to shed new light on the growth of plants and animals.

**866. What is the top salary that may be paid by the Atomic Energy Commission to outstanding scientists and technicians?**

\$14,000 per year. Consultants may be retained on the per diem basis at a rate of fifty dollars.

**867. Why is the Tennessee Valley Authority independent of Interior Department control?**

The Tennessee Valley Authority is a regional river-basin development for the benefit of the residents living in states through which the Tennessee River flows. The Administration, while a Federal body, collaborates with state, county, and municipal government in furnishing electrical power, engineering facilities, flood-control programs, and such recreational facilities as artificial lakes on which resort areas have been created.

**868. How are directors of T.V.A. chosen?**

They are appointed by the president and confirmed by the Senate.

## VII. The Judiciary

### 869. Does the Constitution prescribe age limits for Federal judges?

No. The Constitution does not prescribe a minimum age for the judiciary, the question of age remaining within the discretion of the appointing officer.

### 870. Who was the youngest Supreme Court justice to serve on the nation's highest tribunal?

The youngest was Joseph Story, who became a member of the Supreme Court at the age of thirty-two and served from 1811 to 1845.

### 871. Were any other Supreme Court justices nominated and confirmed prior to their fortieth birthday?

Besides Justice Story three became members of the Supreme Court before they were forty years old: Justices James Iredell, Bushrod Washington, and William Johnson.

### 872. What is the chief justice's official title?

The first seven chief justices — Jay, Rutledge, Ellsworth, Marshall, Taney, and Waite — were referred to as "Chief Justice of the Supreme Court of the United States." The next five — Fuller, White, Taft, Hughes, and Stone — were designated as "Chief Justice of the United States." This title is held today by Chief Justice Fred M. Vinson.

### 873. What is the Supreme Court crier?

The Supreme Court crier is a minor official who opens Court sessions by saying: "Oyez! Oyez! Oyez! The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States." After the justices file to the bench in the order of their seniority and are

seated, the crier continues: "All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save this United States and this Honorable Court."

### 874. Who was the first woman to be admitted to practice before the Supreme Court?

Belva A. Lockwood, of California, was the first woman to be admitted to practice before the Supreme Court. Miss Lockwood also enjoys the distinction of being the first and only woman to run for president. She was a candidate in 1892, against Grover Cleveland.

### 875. What was the first Act of Congress to be held unconstitutional in whole or in part?

The Supreme Court ruled that a part of the Act of September 24, 1789, was invalid. The Act empowered the Supreme Court to issue writs of mandamus to any persons holding office under the authority of the United States. In the famous case of *Marbury vs. Madison*, the Court decided that the Act undertook to enlarge the original jurisdiction of the Supreme Court, as fixed in Art. III, Sec. 2, of the Constitution. Had this provision been upheld, anyone could mandamus the president, thereby weakening the prestige and authority of the presidency.

### 876. Has Congress the power to assign nonjudicial duties to the judiciary?

No. Congress has no power to assign the judiciary any duties other than judicial. This was definitely established in 1792 in the Hayburn case. Congress in this instance had directed circuit judges to function as pension commissioners.

•The judges individually refused. The Supreme Court upheld their action.

**877. What governmental power is there to overrule a Supreme Court decision?**

Decisions of the Supreme Court cannot be overruled. Decisions can, however, be set aside, by amendment of the Constitution.

**878. Has the Supreme Court ever overruled its own decisions?**

On infrequent occasion, the Court has overruled its own earlier decisions. A list of such decisions, overruled in the light of reasoning and experience, appears in the dissenting opinions of Justice Brandeis in *Burnet vs. Coronado Oil and Gas Company*, 285 U. S. 393, 409.

**879. Is it possible for the Supreme Court to alter the Constitution?**

No such power exists. The Court's function is to interpret the Constitution, not to alter or modify it.

**880. What would happen to the Constitution if a majority of the Supreme Court Bench were to make false interpretations, either wilfully or through ignorance?**

Should the Court's mission be betrayed and its power abused, which is very unlikely, the *interpretation* of the Constitution would be affected temporarily; but the original intent and purpose of the Constitution would not be changed. Misinterpretation in such a contingency would prevail only until the control of the Court passed on to more conscientious and competent jurists.

**881. What qualifications does the Constitution prescribe for membership in the Supreme Court?**

The Constitution does not state what qualifications are demanded of men for this high office, either as to age, citizenship, and legal competence, or as to political viewpoint and background.

**882. Does a president nominate Supreme Court justices of his own political party?**

Democratic presidents have appointed Re-

publicans to the Bench and Republican presidents have named Democrats.

**883. Are Supreme Court justices permitted to engage in the private practice of law?**

No Supreme Court justice may practice law privately.

**884. What penalty can be imposed on Supreme Court justices who engage in private practice?**

Justices engaging in private practice are liable to impeachment.

**885. Do Federal courts have jurisdiction in cases involving maritime and admiralty matters?**

Yes. Litigation dealing with maritime and admiralty laws is heard by the Federal courts. Such cases pertain to the high seas, in many instances.

**886. Are Supreme Court decisions announced during public sessions of the tribunal?**

The justices do not disclose their decisions until they have met in executive session to discuss their views and to vote. During these discussions, every justice expresses his findings and conclusions fully. The meeting culminates with a vote conducted by the chief justice, who calls upon his associates in reverse order according to the dates of their commissions. In many instances the justices individually arrive at their decisions after arguments in the case have been heard, but such decisions remain secret until after the executive session and the vote.

**887. Has it always been customary for one justice to deliver the majority opinion?**

It has not always been the practice of the Court to have one justice deliver the majority and another the minority opinion. Originally, the justices delivered their own opinions, *seriatim*, whether in agreement with the majority or the minority. Chief Justice Marshall introduced the time-saving procedure of delivering one opinion for the Court. This proved desirable as the Court's business increased.

**888. What is a Supreme Court quorum?**

Currently, six justices constitute a quorum.

**889. Must the chief justice be present for a quorum?**

The chief justice's presence is not required for a quorum if six associate justices are present.

**890. When and how was the size of the quorum fixed?**

In 1863 the Court was enlarged from six to ten members, and the size of the quorum was fixed at six members by law.

**891. It is the traditional function of the chief justice to administer the oath of office to presidents-elect. What chief justice carried out the function most frequently?**

Chief Justice Taney, the presiding jurist in the Dred Scott case, administered the oath of office at the inaugurations of nine presidents: Martin Van Buren, William Henry Harrison, John Tyler, James K. Polk, Zachary Taylor, Millard Fillmore, Franklin Pierce, James Buchanan, and Abraham Lincoln.

**892. Has a Supreme Court justice ever been impeached?**

Justice Samuel Chase of Maryland was impeached but acquitted.

**893. On what grounds was Justice Chase impeached?**

Justice Chase was impeached in 1804 on charges of partisanship. He was alleged to have demonstrated bias in instructions to a grand jury at Baltimore. He was also accused of "tyrannical conduct in trials under the Alien and Sedition Laws." The charges were not supported by the Senate. Chase was therefore acquitted. He remained on the Bench until his death.

**894. Under what political circumstances was Justice Chase impeached?**

Chase was impeached at a time when the Democratic-Republican administration (of Thomas Jefferson) was embroiled in a feud with the Federal judiciary, which consisted largely of appointees of the previous Federalist (John Adams) administration.

**895. What introduction must an attorney have when seeking admission to practice before the Supreme Court?**

An attorney applying for authority to practice before the Supreme Court must be presented to the Court by a fellow lawyer qualified to practice before this tribunal.

**896. How does the Supreme Court recognize attorneys who are qualified by admission?**

The Court accepts applications by motion, and the attorney signs his name on the Attorney Roll. Subsequently he is given a scroll attesting to his eligibility.

**897. What "souvenir" does an attorney newly admitted to Supreme Court practice prize most highly?**

Lawyers admitted to practice before the Supreme Court generally "liberate" quill pens of goose feathers which are found on the bar tables in the Court. The pens are not used by the justices. Like the snuff boxes in the Senate, the quill pens are traditional, and prized as antiques.

**898. How are Supreme Court decisions printed?**

The decisions are printed by a special unit of printers who work in secrecy and do not use the regular facilities of the Government Printing Office.

**899. Why is there so much secrecy attending the printing of Supreme Court opinions?**

It has always been necessary to handle Supreme Court decisions with utmost secrecy before they are handed down because of the critical importance of advance "leaks" or "tips" to speculators and others profiting from "inside knowledge." Frequently a Court decision has bearing on the national economy. Advance knowledge of a Court ruling would enable manipulators to make speculative investments of considerable detriment to the national economy.

**900. How does the Court control publication of its decisions?**

The Court is empowered to employ "such printer as the Court may designate" for the reproduction of decisions. Although there have been

occasional "leaks" in opinions, none has been traced to employees of the Court's printer.

**901. Does the absence of a dissenting opinion mean that the Court's verdict is unanimous?**

Not necessarily. A justice may concur with an opinion in its entirety despite his reservation as to specific points which are not significant enough to warrant his writing a dissenting opinion. In other cases, a justice may forego preparation of a dissenting opinion merely because his objections to the majority opinion are limited to a matter of emphasis concerning a point of law.

**902. How are employees of the Supreme Court chosen?**

Messengers, clerks, secretaries, pages, and other Supreme Court employees are appointed and employed on the basis of their competence and loyalty. There is very little manpower turnover. Employees are appraised in terms of their usefulness rather than of their political views and background. The Court is not concerned with the politics of its employees.

**903. How many pages work in the Supreme Court?**

Six boys, ranging in age from twelve to seventeen years, are employed by the Court. They receive the same pay as House and Senate pages (about \$7.10 per diem); wear blue serge suits, dark ties, white shirts, and black shoes; and receive their secondary schooling at government expense.

**904. Has any justice declined appointment as chief justice?**

William Cushing declined the chief justiceship in 1796. He was an associate justice when nominated and preferred to remain an associate, and did so until his death in 1810.

**905. When does the Court sit?**

The Supreme Court meets on the second Monday in October for a session which generally extends through to July.

**906. What salaries do Federal judges receive?**

The chief justice receives \$25,500 per an-

num; the associate justices, \$25,000; judges of the Circuit Court of Appeals, the United States Court of Customs and Patent Appeals, and the Court of Claims, \$17,500; and District, Customs Court and Tax Court judges, \$15,000. (The chief justice of the District Court for the District of Columbia receives \$15,500.)

**907. What was the size of the original Supreme Court?**

A chief justice and four associate justices.

**908. How do the various Federal courts compare in size?**

**Supreme Court:** Chief Justice and Eight Associates; **Circuit Court of Appeals:** Three judges in each of ten circuits; **District Courts:** Normally, one judge sits in each district. The number of districts per State varies.

**909. What is the largest Federal District Court in the nation?**

The southern district of New York has thirteen judges.

**910. Do Federal Court Districts cut across state lines?**

Federal Court Districts do not cut across state lines. Every state has at least one Federal District Court.

**911. What is a roving Federal judge?**

Although most judges are appointed to serve in a specific district, it is necessary in six states — Arkansas, Kentucky, Missouri, Oklahoma, South Carolina, and Washington — to have additional "roving" judges. They hold court in more than one district, and move from one district to another to assist courts which have unusually large burdens.

**912. Has a Supreme Court justice ever been re-appointed after an interim of private life?**

Justice Charles Evans Hughes was appointed May 2, 1910, by President Taft. He resigned in 1916 to be Republican candidate for president. On February 13, 1930, he was appointed chief justice by President Hoover.

**913. To what extent may claims be prosecuted against the United States?**

It is a general proposition that a sovereign government such as the United States can be sued only with its consent. While the Constitution does not specify particulars, it implies that the Federal Government may be a party to controversies which will come before the Federal courts. And in 1858 the Court of Claims was established with jurisdiction to determine claims founded on government contracts, Federal laws, or Department regulations. Under the recent Congressional Reorganization Act (of August 2, 1946) the United States may be sued on torts without further consent by Congress.

**914. What inscription appears under the pediment of the west portico of the Supreme Court Building?**

"Equal Justice Under Law."

**915. Who wrote the inscription?**

Charles Evans Hughes.

**916. How long was the Supreme Court Building in construction?**

Four years.

**917. What is the general style of the architecture of the Supreme Court Building?**

The building is patterned after the Temple of Diana at Ephesus (one of the seven wonders of the ancient world). The building is of white marble and was planned to be the most magnificent and enduring government edifice in the Western Hemisphere.

**918. What chief justice is recognized as the most influential in strengthening the Constitution?**

John Marshall's thirty-five year term on the Supreme Court Bench (1801-36) is considered the most fruitful in the history of the judiciary.

**919. How many Acts of Congress have been held unconstitutional?**

Seventy-two Acts of Congress have been held unconstitutional, either wholly or in part.

**920. Why were the United States Circuit Courts of Appeals established?**

The Circuit Courts of Appeals were organized in 1891 to relieve the Supreme Court of pressure resulting from the accumulation of appellate cases. In general the circuit courts have final jurisdiction over the great mass of litigation not involving Constitutional questions. For example, parties from different states may have their case heard in a high Federal court without going to the Supreme Court.

**921. How many regular judges sit in a United States Circuit Court of Appeals?**

The court generally comprises three judges.

**922. May an additional judge be assigned to sit with the three regular judges in the United States Circuit Court of Appeals?**

The chief justice and associate justices of the Supreme Court are authorized to assign additional circuit or district court judges to such courts as may need them.

**923. What is meant by "recall of judicial decisions"?**

A recall of judicial decisions is a right given to the citizenry to subject a court's decisions to a vote of approval or disapproval.

**924. When was "recall of judicial decision" advocated?**

President Theodore Roosevelt advocated recall of Supreme Court decisions in 1912, during his Progressive party campaign for the presidency. He declared that the people should have the right to express their opinion on Federal and state Supreme Court decisions.

**925. Has the recall been adopted by the United States or by any state?**

Colorado adopted the recall procedure, but it has not proved successful.

**926. What is the chief objection to recall of judicial decisions?**

The chief objection to recall of court decisions is the attitude that ignorance, prejudice, and blind emotion can take precedence over intelligence and reason when judiciary action is subject to veto by political action.



**927. What requirements does the Constitution establish for the conduct of trials on charges of treason?**

The Constitution stipulates that a defendant on trial for treason must be proven guilty of an overt act of treason by the testimony of at least two witnesses, unless he confesses his guilt.

**928. Why does the Constitution require a specific number of witnesses for the prosecution in treason trials?**

From time immemorial, treason has always been a capital offense, a crime of high gravity. The Constitution therefore imposes specific requirements as to the conduct of trials.

**929. What is treason?**

The Constitution defines treason precisely as the act of levying war against the United States, adhering to the United States' enemies, and "giving them aid and comfort."

**930. Is any crime besides treason defined by the Constitution?**

The Constitution significantly limits its definition of crimes to the foregoing description of treason. Thus, the definition and description of this act are beyond the power of Congress to alter and modify, except by Constitutional amendment.

**931. Was a vice president or former vice president ever tried for treason?**

Aaron Burr was indicted, but the Government halted the trial.

**932. What was Aaron Burr's status at the time of his trial for treason?**

Burr was not vice president at the time. His term had expired. However, he was vice president at the time he killed Alexander Hamilton in a duel.

**933. Who presided at Burr's trial?**

Chief Justice Marshall.

**934. Why was the trial of Burr stopped?**

The Government ended Burr's treason trial when Chief Justice Marshall held that, first, there must be evidence of an overt act of treason; and, second, that the defendant must be connect-

ed with this overt act. The Government could not present proof.

**935. What is the Corrupt Practices Act?**

The Corrupt Practices Act is a criminal statute which provides penalties for venal corruption through bribes and other forms of undue influence on elections. Violators of the Corrupt Practices Act who gain Federal office are liable to conviction and ineligibility to hold office.

**936. What is the most famous Corrupt Practices case in the annals of the United States since the adoption of the Seventeenth Amendment?**

Senator-elect Newberry of Michigan was unseated in 1921 after defeating Henry Ford in the 1920 election, which was contested under "powers possessed by Congress at the time of the enactment of the Seventeenth Amendment."

**937. Is impeachment the removal of persons from office?**

Contrary to popular conception, impeachment is not a removal from office. Impeachment is an indictment on charges of treason, bribery, or other crimes or misdemeanors, and is followed by a trial. The president, vice president and all civil officers of the United States may be impeached, but cannot be removed from office unless convicted.

**938. Which government body may bring impeachment proceedings?**

The House of Representatives has the sole power of impeachment.

**939. May the House try impeachment cases?**

The Senate has the sole power to try all impeachments. For conviction, a two-thirds concurrence of the senators present is necessary.

**940. Who presides over the Senate when it sits as a Court of Impeachment?**

The chief justice presides in the Senate at impeachment proceedings.

**941. Is an impeachment defendant permitted trial by jury?**

The Constitution makes an impeachment case the only criminal trial not requiring a jury.

Art. III, Sec. 2, Cl. 3, states that, "The trial of all crimes, except in cases of impeachment, shall be by jury." This clause applies to criminal proceedings in the Federal courts. The Senate is not considered a jury although in impeachment cases it is an instrumentality for jury functions.

**942. Who was the last official against whom impeachment charges were brought?**

The late Andrew Mellon, Secretary of the Treasury during the Harding, Coolidge and Hoover Administrations, was charged by a member of the House with arbitrarily usurping powers not belonging to his office. Immediately after these charges were heard by the Committee on Judiciary of the House in 1930 and before final action of the Committee, Mr. Mellon resigned from the Cabinet and was appointed ambassador to the Court of St. James in London.

**943. What American president faced impeachment proceedings?**

Andrew Johnson in 1868 was tried by the Senate and acquitted by a single vote. The vote was that of United States Senator Edmund Ross of Kansas, who changed from a guilty to acquittal verdict. The Senate vote was thirty-five for conviction and nineteen for acquittal—one lacking for a two-thirds majority.

**944. Is a person charged with a crime against the United States entitled to a preliminary hearing?**

The Constitution does not require that preliminary hearing be held for any person charged with crime against the United States. The defendant need only be brought to trial. The accused may deny his guilt, but the trial proceeds.

**945. Can the president of the United States issue a conditional pardon?**

A presidential pardon may be issued. The presidential pardon is an act of grace, and may be limited or qualified by such reservations and qualifications as the president deems proper. When these conditions have been satisfied the pardon takes full effect.

**946. May a convict decline a conditional pardon?**

Yes. He may refuse to accept the conditions.

**947. What is an "infamous crime"?**

The Fifth Amendment defines an infamous crime as one punishable by imprisonment in a state penitentiary, whether or not the accused is actually sentenced and placed at hard labor. It is the character of the allowable punishment that determines whether a specified crime is infamous.

**948. When can the writ of habeas corpus be suspended?**

Clause 9 of Article I provides that the privileges of the writ of habeas corpus shall not be suspended "unless, when in case of rebellion or invasion, the public safety may require it (suspension)." The writ itself is never suspended by the courts. It always remains the duty of the courts to issue the writ of habeas corpus in proper cases.

**949. Who is the sole authority for the suspension of the writ of habeas corpus?**

Congress can authorize the president to suspend the writ of habeas corpus. Congress is the exclusive judge as to what constitutes rebellion or invasion, and may authorize presidential suspension of the writ of habeas corpus so long as, in Congress' judgment, public safety so requires.

**950. What happens to writs of habeas corpus when presidents are authorized to suspend them?**

In the case of the suspension of the writ of habeas corpus, the writ must be dismissed by the courts on its return, without inquiry as to the merits of the instrument.

**951. What is the Mann Act?**

The Mann Act is a law enacted in 1910 by Congress, providing heavy penalties for the transportation of women from one state to another for immoral purposes. The Act was sponsored by Representative James Mann, of Illinois.

**952. What is the origin of the term "White Slavery"?**

In 1910, when the Mann Act was passed,

the attention of social agencies was drawn to a condition of compulsory prostitution in which many women were held. Hence, the term "White Slavery" is associated with the Mann Act, which also was known as the White Slave Act.

**953. What is meant by the Supreme Court's defense in depth?"**

As the highest and last tribunal in our Democracy, the Supreme Court is the stronghold of the Nation's liberties. Should state legislatures or Congress enact hastily considered bills of dubious constitutionality, the Supreme Court has the prestige, and the traditional as well as the legal power to check the legislative branch of the government.

**954. What is the difference between Constitutional courts and legislative courts?**

Courts established under Sec. 2, Art. III

of the Constitution are Constitutional courts; courts established by Congress are legislative courts. The latter include the Court of Customs Appeals, Court of Claims, former United States Court for China, and all consular courts; also the Court of Private Land Claims, and the Choctaw and Chickasaw Citizenship Court. Territorial district courts are dual in nature and sit both as Federal and territorial courts.

**955. May a person domiciled in the District of Columbia sue a resident of, say, Arizona in Federal court, on ground of "diversity of citizenship"?"**

No. Herein is one of the anomalies of residence in the District of Columbia. The District, although a judicial district in the sense that it has a United States district court for the District of Columbia, is not considered a state within the meaning of Art. III of the Constitution.

## VIII. The States

**956. What powers may state legislatures exercise?**

State legislatures may exercise any power not prohibited to them by the Federal or state constitutions.

**957. What police power does the national government maintain over the states?**

The Federal Government controls interstate commerce, communications, and such police activities as come within the purview of the Federal Bureau of Investigation and other units of the Department of Justice.

**958. Can a state abdicate its police power?**

No. Under the Fourteenth Amendment police power is inalienably placed in a state for protection of its citizens and may not be abdicated, abridged, or bargained away.

**959. What is the right of eminent domain?**

The right of eminent domain is a right held by every sovereignty, such as the state and national governments, to take private property for public use under certain conditions. The Constitution (Fifth Amendment) requires that property taken by the sovereignty must be paid for, on just terms.

**960. Under what circumstances may the right of eminent domain be exercised?**

A sovereignty needing property for the establishment of a public institution may appropriate land, regardless of the private owner's wishes, and pay the owner what the state deems fair compensation.

**961. Can the power of eminent domain be conferred on agencies other than state governments?**

Yes. Municipalities and public utilities may be given the right of eminent domain, but not individuals.

**962. Will the forty-ninth and fiftieth states, when admitted to the Union acquire statehood on an equal basis with the original thirteen states?**

The Constitution does not recognize any inequalities or omissions in statehood or citizenship in any respect. All states under the Constitution are equal.

**963. Would it be possible for Texas to be divided into five states without the consent of Congress?**

The erection of a new state within the jurisdiction of an existing state can only be accomplished with the consent of the state legislature as well as of Congress. (Constitution, Art. IV, Sec. 3). But, Congress has already given its consent (5 Stat. 798, Sec. 2, "Third") to the creation of not over four additional states out of the territory included in Texas at the time of its annexation.

**964. Does any State in the Union have special privileges which were approved at the time of its admission?**

The state of Texas, which was a republic prior to its admission to the Union, was given the right to divide itself into a number of states if the people of Texas wished to do so.

**965. What is a referendum?**

A referendum is a popular election to determine whether a measure passed by a legislature shall be accepted as law or rejected.

**966. What is the purpose of the referendum?**

The referendum is a means of preventing special interests from dominating legislatures, and of fostering the citizenry's interest in legislation.

**967. What is the initiative?**

There are the direct and the indirect initiatives. The direct initiative requires that a measure be submitted directly to the people. Generally the measure is one which the legislature has refused to enact. The indirect initiative is a proposal acted upon by the people after its rejection by the legislature.

**968. What states joined the Union after it began functioning under the Constitution?**

The Constitution went into effect March 4, 1789. North Carolina and Rhode Island had refused to ratify the Constitution and were about to be treated as foreign powers. North Carolina ratified November 21, 1789. Rhode Island ratified May 29, 1790.

**969. When was the unicameral legislature introduced in Nebraska?**

In 1937. Previously the "one-chamber" legislature had been introduced in municipalities.

**970. What are the advantages of a unicameral legislature?**

Proponents claim the one-chamber form of legislature centralizes responsibility and precludes the unwieldiness of the bicameral legislature.

**971. What is the source of the bicameral legislature in America?**

The two-chamber form of Federal legislature established by the Constitution is derived from the English governmental system of legislative checks and balances.

**972. Under what circumstances may the Federal Government take over the maintenance of law and order in a state?**

The United States Government guarantees every state against invasion and "domestic violence," but in the latter case, the Government acts only on application of the state legislature.

If the state legislature is not in session, the state government can summon Federal aid.

**973. Has the Federal Government ever intervened in a state crisis without the request of the state government?**

During the Pullman strike in 1894, President Cleveland sent Federal troops into Illinois on his own initiative, because the strike threatened interstate communication and affected the carrying of the mails.

**974. What were "grandfather" clauses in state Constitutions?**

After the Civil War, several Southern states adopted constitutional requirements limiting the right to vote to persons whose grandparents had been voters. These clauses deprived the freed Negro of his franchise. In 1915, the Supreme Court declared the "grandfather" clause to be null and void and in violation of the Fifteenth Amendment.

**975. What is a "Jim Crow" law?**

A "Jim Crow" law is a measure segregating colored persons on railway trains and in other public places.

**976. Are there "Jim Crow" laws in the District of Columbia?**

There are no segregation laws in the District of Columbia, although separate schools are operated for Negro and white students.

**977. What Constitutional clause pertains to the limitation of the powers of state agencies?**

The Fourteenth Amendment refers exclusively to state action, not to private individuals. The Amendment controls state instrumentalities, prohibiting them from exercising unrestrained authority over the rights and property of their citizens.

**978. What is an Act of Nullification?**

A state resorts to nullification when it refuses to enforce an Act of Congress, such as refusal during Prohibition to enforce the Eighteenth Amendment.

**979. What was the first notable Act of Nullification?**

In 1799, Virginia and Kentucky passed resolutions preventing the enforcement of the Alien and Sedition Laws. In 1832, South Carolina tried to prevent enforcement of the tariff regulations. In the case of South Carolina, the state was threatened with force if she resorted to continued nullification.

**980. Are presidential electors nominated or elected?**

In some states, electors are nominated at party state-wide nominating conventions. In most states they are nominated in primary elections and listed on ballots in the general presidential election.

**981. What is the electorate?**

The electorate of a political division or nation is the collective body of persons who exercise suffrage in that community. It is misleading to speak of the people as a whole as the electorate; the term applies only to those who vote.

**982. What is the difference between suffrage and voting?**

Suffrage is the *right* to vote — a right conferred by law under restrictions and qualifications prescribed by the state, subject to Constitutional prohibitions against discrimination on account of sex, race, color, or previous condition of servitude. Voting is the *exercise* of the right of suffrage or elective franchise.

**983. Do presidential electors vote as a unit?**

Yes. Legally, electors are not required to vote as a unit, although they do. When Cleveland carried New York by a slim margin of 524 popular votes in 1884, he gained all 26 electoral votes, which made him president.

**984. What choice does the presidential elector have in casting his vote, under the Constitution?**

The Constitution was designed to provide for presidential elections by the independent votes of electors, who presumably were better able to judge the abilities of candidates than the people at large. In other words, the electors were expected to use their own judgment. But, in 1796, two electors (one in Virginia, the other in North

Carolina) voted for John Adams, contrary to the pro-Jefferson sentiment of the popular majorities. The resultant uproar led to the formation of political parties which chose their own candidates for office. The parties also made electors morally, if not legally, bound to support party candidates.

**985. What was the first territorial acquisition by the United States of America?**

The Louisiana Purchase from France on April 30, 1803, during the Jefferson Administration. The price was \$27,627,622, roughly four cents per acre. The purchase included all the territory of the states of Louisiana, Arkansas, Missouri, Kansas, Iowa, Nebraska, North Dakota, South Dakota, and parts of Oklahoma, Montana, Minnesota, Colorado, and Wyoming. The Louisiana Purchase has therefore been called "the most gigantic real estate transaction of all times."

**986. How was Florida acquired?**

Florida was the United States' second accession. It was acquired from Spain. No money was paid to Spain directly, but in 1819, the United States assumed and later paid claims of the United States against Spain in the amount of \$5,000,000.

**987. What was the cost of the acquisition of the Hawaiian Islands?**

The Hawaiian Islands voluntarily joined the United States in 1898, after the Spanish-American War, and the United States assumed the Hawaiian national debt of \$4,000,000. The area is 6,407 square miles, and the population density is 57.5 persons to the square mile. Hawaii has long sought statehood and is scheduled to become the forty-ninth state if Congress approves.

**988. How can one obtain a birth certificate?**

Birth certificates usually can be obtained by application to the registrar in one's home state. In some cases, state records do not go back far enough (e.g., Florida's birth records are complete for the period beginning in 1917). In such cases it is best to apply to a county clerk or other local official in the community where one was born.

**989. How can a birth certificate be obtained in areas where official records are not available?**

The United States Census Bureau will, on application, furnish evidence of date of birth. Application to State Boards of Health also is recommended.

**990. Which state first had an old-age pension law?**

Montana was the first state in the Union to have an old-age pension law, the effective date of which was March 5, 1923. Alaska had an old-age pension law in 1915, but it was very limited. The Montana law was optional with the counties.

**991. In what respect do the states exercise concurrent powers within the Federal Government?**

States exercise concurrent powers with the Federal Government in taxation, borrowing, and certain police powers. When the Volstead Act (Prohibition) was in force, states had concurrent powers in its enforcement. "Concurrent" in this instance means equally, or without interference from one another.

**992. Can both the Federal and state governments tax the same income?**

Yes. This form of double taxation is widespread. This is double taxation, imposed by two different taxing powers.

**993. Can states interfere with the treaty rights of Indians?**

No. Treaties with Indian tribes were made by the Federal Government, and states cannot interfere. States are empowered, however, to enforce such regulations as the prohibition of liquor on Indian reservations.

**994. In what instances can states legally conclude agreements with one another without specific Congressional authorization?**

By Act of Congress on March 1, 1911, general advance authorization was given to states to make interstate agreements for the conservation of forests and water supply. Again, in 1934, Congressional approval was given in advance to interstate compacts for cooperative efforts for the prevention of crime. The consent of Congress to such compacts is required by the Constitution and generally is given to a specific agreement.

**995. What is a split session in the state legislatures?**

A split session is divided into two portions, the first meeting period being devoted to organization and the introduction of bills. This part of the session is brief and followed by a long adjournment. Reconvened to complete the session, the legislature devotes its time to the passage of bills.

**996. How many states were territories before admittance into the Union as sovereignities?**

Twenty-eight were territories. Seven others were admitted without having been territories.

**997. Under what president were the largest number of states admitted?**

Six states were admitted to the Union during the administration of President Benjamin Harrison (1889-93). They were North Dakota, South Dakota, Montana, and Washington, in 1889, and Idaho and Wyoming, in 1890.

**998. Does a state join the Union?**

The original thirteen colonies joined the Union. After the Constitution was adopted, new states were *admitted*. They asked for admission into the Union, and were admitted at the pleasure of the states already united.

**999. What is meant by a "pivotal state"?**

A pivotal state is one in which the popular vote is so evenly divided that either party may win the electoral vote and thereby determine the outcome of a presidential election. In 1844, Henry Clay, the Whig candidate for president, lacked a small number of popular votes for a majority in New York State. Polk, the Democratic candidate, won New York by an extremely slim popular vote, but by sufficient electoral votes to become president.

**1000. What state has the largest legislature?**

New Hampshire. Although New Hampshire's population is relatively small, 491,000 according to the 1940 census, the State Senate has twenty-four members; the House, three hun-

dred and ninety-nine. Other New England states have large legislatures.

1001. What state has the smallest legislature?

Nebraska. The State Legislature is unicameral, consisting of but one house of twenty-four members.



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